E. I. Co.

THE

DEBATE

AT THE

EAST INDIA HOUSE,

On FRIDAY, the 29th of MAY, 1795.

ON THE

SEVERAL MOTIONS BROUGHT FORWARD BY

MR. ALDERMAN LUSHINGTON,

That this Court is highly ſenſible of the long, faithful, and important ſervices of Warren Haſtings, Eſq. heretofore repeatedly acknowledged by this Court and the Court of Directors.

That the Charges made againſt Warren Haſtings, Eſq. having been founded upon the publick acts of his Government in Bengal, and he having been acquitted of all ſuch charges; it is highly reaſonable that the ſaid Warren Haſtings, Eſq. ſhould be indemnified for the legal expences incurred by him, in making his defence.—That therefore, this Court do recommend to the Court of Directors, to apply to Warren Haſtings, Eſq. for a ſtatement of the ſaid expences, and that after having eſtabliſhed the ſame, by a full and ſatisfactory inveſtigation, they do diſcharge the amount thereof, not exceeding 71,080l.

That it is the opinion of this Court, that, in conſideration of the long, faithful, and important ſervices of Warren Haſtings, Eſq. and to mark the grateful ſenſe entertained by this Company, of the extenſive benefits which they have received from theſe ſervices, a grant of an annuity of 5000l. from the 1ſt of January, 1795, to iſſue from the territorial revenue, during the term of the Company's preſent excluſive trade, to Warren Haſtings, Eſq. his heirs, executors, adminiſtrators, and aſſigns, be prepared by the Court of Directors, and ſubmitted to the Board of Commiſſioners for the Affairs of India, for their approval and confirmation, purſuant to the Act of Parliament.

TO WHICH ARE PREFIXED

MINUTES of the BUSINESS of the DAY, with the numbers on each BALLOT, as they ſtand on the COMPANY's BOOKS.

With a TABLE of CONTENTS.

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EAST-INDIA HOUSE,

GENERAL COURT.

FRIDAY, MAY 29, 1795.

AT a COURT of the Honourable UNITED EAST-INDIA COMPANY, convened at the desire of Nine Proprietors,

PRESENT,

Sir STEPHEN LUSHINGTON, CHAIRMAN.
DAVID SCOTT, Esq. DEPUTY CHAIRMAN.

With most of the Directors, and a most numerous appearance of the Generality.

The CHAIRMAN informed the Court that this Court was called at the desire of Nine Proprietors, and submitted that their letter should be read, which was as follows:

TO THE HONOURABLE THE COURT OF DIRECTORS, &c.

Gentlemen,

WE request that a General Court may be called, to take into consideration the long, faithful, and important services of WARREN HASTINGS, Esq. late Governor General of

 Bengal;

Bengal; and agreeably to the 48th By-law, we deſire that notice may be given that a pecuniary compenſation will be propoſed, ſuitable to the importance of thoſe ſervices, and the preſent ſituation of Mr. Haſtings.

We have the honour to remain,

GENTLEMEN,

Your very obedient, humble Servants,

London, 13th May, 1795.

(Signed) W. LUSHINGTON,
A. M. TRENCH CHISWELL,
RD. TWINING,
ROBERT PRESTON,
EDWARD BLACKETT,
WILLIAM BLAAUW,
KINNAIRD,
ROW. STEPHENSON,
DON. CAMERON.

The following particulars were called for and read,* viz.

Extract of a ſeparate Letter to Bengal, dated 21ſt September, 1785.

"When we conſider the alarming decline of the Salt Revenue, in the year 1780, and for which no remedy ſeemed for ſome time to preſent itſelf, we acknowledge ourſelves indebted to the abilities and zeal of Mr. Haſtings, for a plan ſuggeſted and compleated by him, which not only retrieved that branch of Trade and Revenue, but produced an effective benefit to the Company, beyond our moſt ſanguine expectations."

Extract

* The Hon. Mover (Mr. Alderman Luſhington) after having pointedly adverted to the more prominent marks of Mr. Haſtings's publick character, and the more diſtinguiſhed paſſages of his conduct which are too well known to require, at this moment, the illuſtration of written Documents, employed the Extracts called for, moſt appropriately to evince the increaſe under the adminiſtration of Mr. Haſtings, of that revenue, out of which the propoſed Remuneration was to iſſue.

Extract of a letter from Mr. Calvert, the Salt Comptroller, to the Governor General in Council, dated 18th February, 1789, entered on the Bengal Publick Consultations, of the 20th March following.

It was then moved, and on the Queſtion being put,

Reſolved unanimouſly, That this Court is highly ſenſible of the long, faithful, and important ſervices of Warren Haſtings, Eſq. heretofore repeatedly acknowledged by this Court, and the Court of Directors.

The following Motion was alſo made, viz.

Reſolved, That the Charges made againſt Warren Haſtings, Eſq. having been founded upon the publick acts of his Government in Bengal, and he having been acquitted of all ſuch charges, it is highly reaſonable that the ſaid Warren Haſtings, Eſq. ſhould be indemnified for the legal expences incurred by him, in making his defence.

An Amendment being propoſed thereto, leaving out the words after the word "that," in order to introduce the following, viz. "It be recommended to the Court of Di-"rectors to take into their conſideration the ſervices of War-"ren Haſtings, Eſq. late Governor General of Bengal, and "to report their opinion to this Court, in what mode, and to "what extent it may be expedient to grant a pecuniary com-"penſation for the ſame."

A Debate took place, in the courſe of which, Sect 17, 18, and 125*, of the Act of the 33d Geo. III. Cap. 52, as alſo the

* Section 17, provides that the Board of Commiſſioners, ſhall not direct the increaſe of eſtabliſhed ſalaries, unleſs propoſed by the Directors, and laid before Parliament.—By Section 18, the Board ſhall not direct any gratuity, bnt ſuch as ſhall be propoſed by the Directors, &c. Section 125, directs that no grant of new ſalaries, &c. above 200l. ſhall be good, unleſs confirmed by the Board.

Opinion of the Company's Standing Counſel, as to the competency of the Company to make the aforeſaid Indemnities, without the approval and confirmation of the Commiſſioners for the Affairs of India, being called for, was delivered;

And the Queſtion being put, "That the words propoſed to be left out, ſtand part of the Queſtion," the ſame paſſed in the affirmative. It was then on the Queſtion,

Reſolved, That the Charges made againſt Warren Haſtings, Eſq. having been founded upon the publick acts of his Government in Bengal, and he having been acquitted of all ſuch charges; it is highly reaſonable that the ſaid WARREN HASTINGS, Eſq. ſhould be indemnified for the legal expences incurred by him, in making his defence.

The following Motion was made, viz.

Reſolved therefore, that this Court do recommend to the Court of Directors, to apply to WARREN HASTINGS, Eſq. for a ſtatement of the ſaid expences, and that after having eſtabliſhed the ſame, by a full and ſatisfactory inveſtigation, they do diſcharge the amount thereof.

The Chairman ſubmitted to the Court, whether the ſaid Motion ſhould not go to the Ballot.

And it being propoſed, that the words "not exceeding 71,080l." be added to the foregoing Motion, the ſame was agreed to be added accordingly, ſtanding as follow: viz.

Reſolved therefore, That they diſcharge the amount thereof, not exceeding 71,080l.

An

An Amendment was propoſed to the ſaid Motion [provided the ſame can be legally done.] And the queſtion thereon being put, it paſſed in the negative. It was then

Reſolved, That the above Queſtion be put by the Ballot at this Houſe, on Tueſday next, the 2d of June.

The following Motion being then made, viz.

Reſolved, That it is the opinion of this Court, that, in conſideration of the long, faithful, and important ſervices of WARREN HASTINGS, Eſq. and to mark the grateful ſenſe entertained by this Company, of the extenſive benefits which they have received from theſe ſervices, a grant of an annuity of 5000l. from the 1ſt of January, 1795, to iſſue from the territorial revenue, during the term of the Company's preſent excluſive trade*, to WARREN HASTINGS, Eſq.

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* The frame of this Reſolution, ſeems to have been copied from a ſimilar one reſpecting the Marquis Cornwallis, which, for a very obvious reaſon, limited the duration of the annuity to twenty years, the term of the Company's excluſive trade. This was paſſed in the Court of Directors, the 14th of June, 1793, and confirmed in the General Court, with an Amendment, 26th of June, 1793. It afterwards, agreeably to the late Regulating Act, which had then paſſed, received the confirmation of the Commiſſioners for the affairs of India.

At a General Court, held on Wedneſday the 26th of June, 1793.

The Chairman ſubmitted to the Court, the following Reſolution of the Court of Directors, of the 14th inſtant, viz.

"At a Court of Directors, held on Friday the 14th of June, 1793, Reſolved, "That this Court taking into conſideration the zeal, abili-"ty, and diſintereſtedneſs, manifeſted by the moſt Noble Marquis Corn-"wallis, in the conduct of the Eaſt India Company's Affairs, during "the whole of the period for which he has preſided over the Britiſh In-"tereſts in India, are of opinion, that as a mark of the high ſenſe enter-"tained by this Court, of his Lordſhip's merits and ſervices, the Mar-"quis Cornwallis be requeſted to accept of an annuity of 5000l. to "iſſue out of the Territorial Revenues in India, for the term of twenty "years, to commence from the day of his departure from India, pro-"vided the Marquis, or his ſon, the preſent Lord Brome, ſhall ſo long "live."

And

Eſq. his heirs, executors, adminiſtrators, and aſſigns, be prepared by the Court of Directors, and ſubmitted to the Board of Commiſſioners for the Affairs of India, for their approval and confirmation, purſuant to the Act of Parliament.

And the Chairman ſubmitting to the Court, "Whether the ſaid Motion ſhould not go to the Ballot,"

Reſolved, That the ſame be put by the Ballot at this Houſe, on Wedneſday, the the 3d of June.

The Court then, on the Queſtion, adjourned.

AT A GENERAL COURT.

Held at the India Houſe, on the 2d of June, 1795, to determine by ballot the following queſtion:

"That this Court do recommend, that the Court of Directors "do apply to WARREN HASTINGS, Eſq. for a ſtate- "ment of the legal expences incurred by him in making "his defence; and that after having aſcertained the "ſame, by a full and ſatisfactory inveſtigation, they "diſ-

---

And the Court taking the ſame into mature conſideration, an amendment thereto was propoſed and adopted.

On the Queſtion being then put on the Reſolution, as amended, it was

Reſolved *unanimouſly*, That this Court, taking into conſideration the zeal, ability, and diſintereſtedneſs manifeſted by the moſt Noble Marquis Cornwallis, in the conduct of the Eaſt India Company's affairs, during the whole of the period for which he has preſided over the Britiſh Intereſts in India, are of opinion that as a mark of the high ſenſe entertained by this Court, of his Lordſhip's merits and ſervices, the Marquis Cornwallis be requeſted to accept an annuity of 5000l. to iſſue out of the Territorial Revenues in India, for the term of twenty years, to commence from the day of his departure from India. And that the ſame be paid to his Lordſhip, his heirs, executors, adminiſtrators, or aſſigns, for the term aforeſaid.

" discharge the amount thereof, not exceeding the sum " of 71,080*l.*"

The numbers were,	
For the Question,	554
Against it,	254
Majority for the Question,	300

AT A GENERAL COURT,

Held at the India-House, on the 3d of June, 1795, to determine by ballot the following Question,

" That it is the opinion of this Court, that, in consideration " of the long, faithful, and important services of WARREN HASTINGS, Esq. and to mark the grateful sense " entertained by this Company, of the extensive bene- " fits which they have received from these services, a " grant of an annuity of 5000*l.* from the 1st of January " 1795, to issue from the Territorial Revenue, during " the term of the Company's exclusive trade, to " WARREN HASTINGS, Esq. his heirs, executors, " administrators, and assigns, be prepared by the Court " of Directors, and submitted to the Board of Com- " missioners for the Affairs of India, for their approval " and confirmation, pursuant to the Act of Parliament."

The numbers were,	
For the Question,	508
Against it,	220
Majority for the Question,	288

The preceding MINUTES, ſtate the ſubject and mode of proceeding adopted in the DEBATE, a Report of which, follows:

Mr. *Alderman Luſhington.*—Mr. Chairman, having had the honor for one, to ſign the letter* which has juſt been read to this full Court, I riſe to lay before you, what I believe to be the actual ſituation of Mr. Haſtings at the preſent moment, and to ſtate my ideas of his claims, both upon your juſtice, and your gratitude. The Court will recollect that when a remuneration was voted to Lord Cornwallis, I pledged myſelf to lay the caſe of Mr. Haſtings before you, when his trial ſhould be over.

As an individual Proprietor, I acknowledge my obligations to Mr. Haſtings, becauſe, to his meaſures I impute the increaſe of my Dividend, and the extenſion of a Commerce ſo beneficial to us all; but in every other reſpect, I can very freely declare, that ſo far from owing perſonal obligations to Mr. Haſtings, from the time I continued in Bengal, after that Gentleman came to the Government, I have reaſon to complain of rather hard uſage, neither has it happened ſince his return to England, that we have mixed more than three or four times in private ſociety; I am therefore induced ſolely by a due ſenſe of publick juſtice, to ſtep forth on the preſent occaſion. On that ground I ſhall propoſe my firſt eſſential Motion, which is the payment of the law expences of the proſecution of Mr. Haſtings; and in propoſing the ſecond Motion, I am actuated by the ſenſe of important ſervices performed by Mr. Haſtings, which entitle him in my opinion, to a reward ſimilar to that which has been ſo

* Vide Pages 6, 7.

ſo properly beſtowed upon the Noble Marquis Cornwallis. The Proprietors are ſo fully ſenſible of the important ſervices of Mr. Haſtings, and have reaped ſo many benefits from them, that perhaps it might be needleſs to go into any minute ſtatement of them; I will however ſlightly notice the moſt material events of his public life.—Mr. Haſtings went out a writer in your ſervice, in the year 1749, many years prior to that period, when an opening was given for the foundation of that immenſe Empire, which Great Britain poſſeſſes in India at this moment. Before the capture of Calcutta by Surajah Dowlah, in 1756, Mr. Haſtings had diſtinguiſhed himſelf by his accurate knowledge of the language, manners, and cuſtoms of the people of Bengal, and it was this knowledge which recommended him to the confidence of Lord Clive; by whom, after the Revolution of 1757, he was appointed Reſident, or Miniſter at the Court of the Nabob, Jaffier Ally Cawn. In that ſituation he continued from 1758, until he became a Member of the Government, in 1761; a ſituation in which, if money has been an object to him, he might have acquired a fortune almoſt to any amount. He continued a Member of the Government of Bengal, until February 1765, when he reſigned the ſervice, and returned to England. The Gentlemen now aſſembled, well know that party heats and violences ran very high in Bengal, on the depoſition of Meer Jaffier, and the elevation of Coſſim Ally Cawn! and though Mr. Haſtings for a time, joined with the Governor in ſupport of the latter, it never had been inſinuated that he was actuated by private motives in any action of his life to that period; many years ſubſequent to it, the Miniſter (Lord North) remarked in the Houſe of Commons, that after the fulleſt inveſtigation of Indian Affairs, the character of Mr. Haſtings remained pure, and unſullied.

Mr. Haſtings continued in England from February 1765, until March 1769, when he was ſent out as ſecond in Council to Fort St. George. It is a known fact, that ſo very moderate a fortune did he bring home with him in 1765, that before the proſpect opened to him, of returning again to India, he had in concert with the late learned Dr. Johnſon, formed a plan for eſtabliſhing a Profeſſorſhip, in the Univerſity of Oxford, for the ſtudy of the Perſian language.—Fortunately however, for the benefit of the Company and the nation, Mr. Haſtings was again called into public employment, and was appointed, as I before obſerved, ſecond in Council at Madras, and to ſucceed Mr. Dupré in that Government. In Auguſt 1771, the Directors removed Mr. Haſtings to his old eſtabliſhment Bengal, and ordered that he ſhould ſucceed Mr. Cartier. During the two years and a half that Mr. Haſtings remained at Madras, his conduct as ſecond in Council received the marked approbation of the Court of Directors, and he was in the higheſt degree of eſtimation with his fellow ſervants, and with the Nabob and his ſubjects. In April 1772, he became Governor of Bengal, and quitted it in February 1785. If I were to compriſe the whole hiſtory of his Governnment in the feweſt poſſible words, I ſhould ſay, that in that period, he preſerved our Empire againſt the moſt formidable combination, ever formed for its deſtruction; that he conſiderably extended its bounds, and nearly doubled its annual reſources. Theſe are facts now of ſuch general notoriety, that perhaps it would be waſting your time to expatiate more fully upon them—allow me however juſt to aſſert, that the preſent proſperity of Bengal, and its advantageous connection with foreign ſtates, originated in the meaſures adopted by Mr. Haſtings in the two firſt years of his adminiſtration. It was under his adminiſtration in 1772, that Bengal was directed to be governed, not through the medium of a native Miniſter, as heretofore,

tofore, but by the direct agency of your own ſervants. In a ſcene ſo perfectly new, Mr. Haſtings diſplayed the greateſt abilities, and his arrangements then made for the internal Government of Bengal, the collection of your Revenues, and the due adminiſtration of juſtice, recommended him to Lord North, to whom he was an entire ſtranger, as the moſt proper perſon to fill the high office of Governor General of India. In the next year, 1773, Mr. Haſtings formed that intimate connection with Oude, to which you owe the acquiſition of the rich provinces of Benares and Ghazipore, the extenſion of your influence to the ſource of the Ganges, and an annual ſubſidy of Half a Million ſterling. From the acquiſition of the Duannee in 1765, to the acceſſion of Mr. Haſtings to the Government of Bengal in 1772, nearly a third of the Britiſh army had been kept in Oude, and paid by the extraction of ſpecie from Bengal. Mr. Haſtings moſt wiſely adopted a new line of policy. He met Sujah at Benares, in 1773, he plainly told him that in future, not a man ſhould paſs the bounds of the Company's Provinces for his ſervice, unleſs he paid for him. The immediate conſequence of this negociation was, the ſale of Corah, and Allehabad, and in the next year the Rohilla war. Two meaſures founded in true policy, and in juſtice, and productive of very great advantages to the Company at that time, in ſo far as they brought nearly a Million ſterling immediately into Bengal, and actually ſecured the tranquility both of Bengal and Oude, from 1773, to the preſent time—for to my underſtanding it is perfectly clear, and I am juſtified in my opinion by late events, that if the Rohillas in 1775, when Sujah Dowlah died, had poſſeſſed the power in Rohilcund, which they enjoyed prior to the Rohilla war, ſo warlike a people would have overrun the dominions of a young feeble Prince, who ſucceeded to a Government with an empty treaſury, and a mutinous and diſcontented army. The ſervices performe-

formed by Mr. Haſtings in the two firſt years of his Government were of the nature that I have ſtated; you felt the effects of them in the purchaſe of your cargoes in Bengal, by ſurplus reſources, as well as in the extinction of the bonded debt of Bengal. In fact, from the year 1772, to the year 1780, cargoes to the amount of a Million ſterling, and ſometimes more, were ſent from Bengal to Great Britain, without draining your Treaſury here of a ſhilling, and conſiderable ſupplies were ſent by Mr. Haſtings to Madras, to Bombay, and to China. At a later period of his adminiſtration, when the reſtleſs ambition of France had involved us in every quarter of the Globe, look to the ſituation of Mr. Haſtings, to his exertions, to the counteractions he met with, and his ultimate ſucceſs. The events of that war are well known. In America, in the Weſt Indies, and in Europe, this country was diſmembered of its ancient poſſeſſions.—But in India, though attacked by the Marattas, and by Hyder Ally Cawn, in conjunction with the French, Mr. Haſtings contrived firſt to preſerve the Soubah of the Decan, and Moodajee Bouſla, the Rajah of Berar, in a ſtate of neutrality, next to conclude a ſeperate treaty with Madajee Sindia, the moſt powerful of the Maratta chiefs, which was followed by a general peace with the Marattas, and he enabled the Government of Fort St. George to continue the war, until the reſtoration of peace in Europe, left us but a ſingle enemy to cope with, who in the next year, agreed to terms of pacification.

In the courſe of this war, as you well know, Mr. Chairman, the ſupplies in men, money, and proviſions, which were remitted from Bengal by Mr. Haſtings, to Madras and Bombay, amounted to above ſeven Millions ſterling. Troops were ſent acroſs the Continent of India, to the ſupport of our different ſettlements, and every exertion that man could make for

your

your preſervation, was made by Mr. Haſtings. Before his Government commenced, the income and the expenditure of Bengal barely balanced each other, but by his arrangements, he was enabled to perform all the ſervices which I have enumerated, and only drew upon you during the moſt diſtreſſing period of the war, for a ſum of money equal to the cargoes that he ſent to you. Of his important ſervices this Court has declared its fulleſt ſenſe—I am ſorry to ſay, that in another place, a difference of opinion did at one time prevail—by two Committees of the Houſe of Commons, very ſtrong diſapprobation was undoubtedly expreſſed of all thoſe acts by which you have derived ſo many advantages. The fact which I am now going to ſtate, is of a nature ſo very extraordinary, that I wiſh Gentlemen to examine it accurately, as I have done, before they give their full aſſent to it—of the truth of it, I have no doubt.—The fact is this, that the meaſures condemned by the Reports of the Committees of the Houſe of Commons, and which furniſhed the grounds for the impeachment of Mr. Haſtings, did actually produce to this Company, adding the intereſt to the principal, the ſum of Thirty-four Millions, Seven Hundred and Seventy Thouſand Pounds, and will produce in future an annual revenue of more than Two Millions ſterling. My fellow Proprietors may be aſſured, that I would not hazard an aſſertion of this magnitude without full examination. You all well know that when Mr. Haſtings left Bengal in February 1785, he had every reaſon to believe, there would not be a ſecond opinion, as to the importance of his ſervices, or the reward which they merited from his employers. By the natives whom he had governed, he was undoubtedly ſo well beloved, that their powerful voice attended him in the hour of his trial, when the charge againſt him was, having plundered and oppreſſed them. By the army and his fellow Servants, he was ſo highly reſpected, that the witneſſes ſelected to

appear

appear in ſupport of the proſecution, have given him as high a character as man could receive. By His Majeſty's India Miniſter, he was declared in Parliament to have been the ſaviour of India; by the Gentlemen behind that bar, he was gratified by an unanimous vote of thanks for his long, faithful, and able ſervices, and the Court of Proprietors had invariably ſupported him. Notwithſtanding theſe concurring circumſtances, he was accuſed as a criminal, before the late Houſe of Commons, and ſo extenſive was the original charge, that it included every act of the Government of a great Empire, for thirteen years, civil, military, political, and financial. Such an accuſation of courſe included all thoſe meaſures, by which Bengal has been raiſed to its preſent proſperous ſituation. When Mr. Haſtings came to Bengal in 1772, the banks of the Carumnaſſa were the extent of our boundary, and our only branch of revenue aroſe from land. In that branch, there has been very little variation indeed, from 1765 to the preſent day, and now the amount of thoſe revenues is fixed for ever, as Mr. Haſtings left them; conſequently the increaſe of reſources, amounting to Two Millions Five Hundred Thouſand Pounds a year aroſe, and any future increaſe muſt ariſe from the acts of Mr. Haſtings, which form the matter of the impeachment. Theſe are the Benares revenue —the Oude ſubſidy—the Salt—and the Opium. On each head he has been criminally accuſed. From Benares you have received above Four Hundred Thouſand pounds a year, from 1781 to this day. For creating that revenue Mr. Haſtings was impeached. From Oude you have received above Fifteen Millions ſterling ſince 1773, and you have now a fixed regular ſubſidy of Half a Million ſterling a year from Oude. Yet, though the Gentlemen behind that Bar, and his Majeſty's India Miniſters fully approved of the arrangements formed by Mr. Haſtings, and though they directed that they ſhould be invariably adhered to,

thirteen

thirteen articles of impeachment were voted againſt him, under the head of Oude. From Salt, you now receive very nearly a Million ſterling nett revenue, a year. Your Directors, and the King's India Miniſters, have acknowledged that they are indebted to the zeal and abilities of Mr. Haſtings, for this branch of your revenues. Yet this was cenſured in one of the ſelect Committee Reports as a moſt oppreſſive monopoly, and was framed into a charge againſt Mr. Haſtings. From Opium, you receive a nett revenue of nearly Two Hundred Thouſand Pounds a year, and for this addition to your reſources you are entirely indebted to Mr. Haſtings; prior to his adminiſtration, it was an open avowed emolument, enjoyed by your civil Servants, who compoſed the Patna factory. Mr. Haſtings in 1781, gave this contract for four years, preciſely upon the ſame terms, and for the ſame period that another Gentleman had held it for four years, and that two other Gentlemen had held it for two years preceding. By this ſhort ſtatement, the Court will ſee that Mr. Haſtings has actually been eight years under trial, for being the author of the proſperity you now enjoy. The end you all know; many of the original charges were abandoned, and after a trial of eight years in duration, he has been acquitted of the whole.—To defend himſelf againſt ſuch a maſs of accuſation, no private fortune could be ſufficient, unleſs indeed that of Mr. Haſtings were of a ſize which ſome have imputed it to be, and unleſs the accuſation of the Commons were true, that in all his meaſures he was actuated by the baſe and ſordid view of acquiring for himſelf and his dependants exorbitant wealth. Of ſuch a charge he has been publickly acquitted, and I now hold in my hand a ſtatement of the fortune of Mr. Haſtings, and a letter from that Gentleman, authorizing me to ſay that he will immediately verify it by his oath; from which it appears, that at no period of his life, was he worth One Hundred Thouſand Pounds,

and

and at this moment his debts amount to more than Eighty Five Thouſand Pounds, and his effects, his eſtate at Daylesford, and a ſhare in two Indiamen; ſo that in truth, without this Court ſhall pay his law expences, he muſt give up all he has in the world, to enable him to pay his creditors ten ſhillings in the pound. Such is the ſituation of a man who has been eight years under trial for the public acts, by which this Company has been preſerved.—Of the veracity of this ſtatement, no honourable mind can entertain a doubt.

But it has been often obſerved, that though Mr. Haſtings poſſeſſes no fortune, Mrs. Haſtings has a very conſiderable one. To this I am alſo authoriſed to ſpeak. Her fortune, which ariſes from a ſettlement made upon her at her marriage, and with additions which ſhe has made to it, by the ſale of ſome jewellery, amounts to 30,000*l.* and a houſe in Park-Lane, which is valued at 10,000*l.* In all, 40,000*l.* and this, to the beſt of Mr. Haſtings's knowledge and belief, is the full extent of her fortune. I ſtate theſe circumſtances, as grounds in ſupport of my Motion for an annuity. With reſpect to the payment of the law expences, I deem that to be a mere act of juſtice, which I am ſure will not be refuſed to Mr. Haſtings, becauſe the Company has been in the habit of paying the law expences incurred by their ſervants in the diſcharge of their publick duty. It is done every day, to Captains of ſhips. It was done in the caſe of Mr. Verelſt, who was fined, and you paid both the fine and the expences. It is impoſſible, therefore, to refuſe it in the caſe of Mr. Haſtings, who has been acquitted, and whoſe condemnation muſt have involved in it, the ruin of the Eaſt India Company. I ſhall therefore offer no further arguments in ſupport of my firſt Motion.

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In regard to the ſecond, it appears perfectly clear, from the ſtatement of Mr. Haſtings's fortune, that after the payment of his law expences, by this Court, Mr. Haſtings will owe 15,000*l.* with property to anſwer it, undoubtedly, that is, his ſhare of two Indiamen, and the eſtate of Daylesford, which, if ſold for this purpoſe, will leave him without a ſubſiſtence; at leaſt, with a very ſcanty one indeed. I would therefore propoſe to give to Mr. Haſtings, a ſum of money annually, amounting to the intereſt only, of a ſingle preſent made to himſelf, and given to the Company. The amount of the preſents given to Mr. Haſtings, and accounted for by him to the Company, is 230,000*l.* Of this ſum, 100,000*l.* was given to him, by the Nabob and his Miniſters, in 1781. Mr. Haſtings immediately expended it in the pay of the troops, and in other publick ſervices; but he applied to the Directors for this ſum to be given to him at a future period, owing to the narrowneſs of his fortune. The application was much talked of, both in Parliament and here, at the time, 1782; and a very leading Proprietor, afterwards a Director, (the late Governor Johnſtone) declared, that though he would not give Mr. Haſtings that preſent, becauſe it might form a bad precedent, yet he would vote for making up Mr. Haſtings's fortune 10,000*l.* a year. I do not wiſh to go ſo far. I do not wiſh to propoſe giving him one per cent. upon the additional income he has created for this Company, as that would produce 25,000*l.* a year; but I propoſe that we ſhould vote Mr. Haſtings what we have voted to his ſucceſſor, the Noble Marquis, 5000*l.* a year, to the expiration of the Charter. This vote, I know, will not be concluſive, but as the public ſervices of Mr. Haſtings have been ſo fully acknowledged by his Majeſty's India Miniſters, I hope and truſt that they will honour this mark of the Company's ſenſe of Mr. Haſtings's ſervice,

with their approbation, as they have done a ſimilar grant to Lord Cornwallis.

I ſhall not detain the Court longer, than to deſire the repeated thanks of this Court, and the Court of Directors, be read to you, and alſo a letter from the Directors, under the approbation of the Board of Controul to Bengal, in which they acknowledge this Company to be indebted to the zeal and abilities of Mr. Haſtings, for a plan, by which the revenue ariſing from Salt, now produces a Million ſterling a year.

Theſe papers having been read, Mr. Alderman Luſhington read the four following Motions:

Reſolved, "That this Court is highly ſenſible of the "long, faithful, and important ſervices of WARREN "HASTINGS, Eſq. heretofore repeatedly acknowledged "by this Court and the Court of Directors."

"Reſolved, That the Charges made againſt WARREN "HASTINGS, Eſq. having been founded upon the pub-"lic acts of his government in Bengal, and he having "been acquitted of all ſuch charges, it is highly reaſon-"able that the ſaid WARREN HASTINGS, Eſq. ſhould "be indemnified for the legal expences incurred by him "in making his defence."

Reſolved, therefore, "That this Court do recommend to "the Court of Directors to apply to WARREN HAST-"INGS, Eſq. for a ſtatement of the ſaid expences; and "that, after having aſcertained the ſame, they do diſ-"charge the amount thereof."

Reſolved, "That it is the opinion of this Court, that, "in conſideration of the long, faithful, and important "ſervices of WARREN HASTINGS, Eſq. and to mark

"the

" the grateful ſenſe entertained by this Company of the
" extenſive benefits which they have received from theſe
" ſervices, a grant of an annuity of £5000. from the time
" of his return; to iſſue from the territorial reve-
" nue, during the term of the Company's preſent ex-
" cluſive trade, to WARREN HASTINGS, Eſq. his
" heirs, executors, adminiſtrators, and aſſigns, be
" prepared by the Court of Directors, and ſubmitted to
" the Board of Commiſſioners for the affairs of India, for
" their approval and confirmation, purſuant to the Act
" of Parliament."

After this, Mr. Alderman Luſhington delivered his firſt Motion over the Bar, and it was formally read to the Court.

Mr. *T. Chiſwell* ſaid, the whole of the ſubject had been opened with ſo much clearneſs and ability, by his Hon. Friend who had read the ſeveral propoſitions he meant to offer, and moved the firſt of them, that it would be unneceſſary for him, in ſeconding the Motion, to do more than offer a ſingle obſervation, which was, that although Mr. Haſtings had been Governor General of India for ſo many years, and notwithſtanding that from the peculiar exigencies of the publick ſervice, his Government ſtood diſtinguiſhed by a variety of meaſures, equally original, bold, and ſucceſsful; notwithſtanding alſo that the extraordinary manner and length of his trial, ſince his return from India, ſeemed as it were to hold out an encouragement to all who had any charge to make againſt him, to bring it forward, *not a ſingle complaint* had ever been heard of, either from individuals abroad, or at home. On the contrary, in India, he was well known to be as univerſally popular, as he was entitled to be held meritorious at home, both by the Company and his Country, for the very valuable ſervices he had render-

ed to both, as well by having procured a conſiderable increaſe of the Revenues derived from India, as by other acts of his Government, which produced conſequences highly uſeful and important to the publick intereſt.

Mr. *Jones Adair* roſe and ſaid, Sir, if ever there was a moment of national conjuncture, in which every part of the publick ought to abſtain from laviſh expenditure, it is the preſent: if ever there was a criſis in which it became more eminently the duty of great publick bodies, anxiouſly to avoid giving the example of prodigality, it is that in which we ſtand.

But, Sir, there is no moment whatever, in which a publick body ought to neglect its obligations; there is not any in which a Company of Engliſh Merchants, will forget to pay their debts.—And, in my conception, the propoſitions which the Hon. Mover has this day brought forward, eſtabliſh a debt, not merely of honour, but of juſtice.

I ſhall not, I am ſure, be aſked in this Court, where the evidence of the debt exiſts?—If the queſtion were poſſible, I ſhould point it out in your records, which ſtate at once, the long, faithful, and important ſervices of Mr. Haſtings, and your repeated acknowledgments of them. I ſhall not here, I am perſuaded, be reminded that Mr. Haſtings was paid for them by his appointments.—If I could, I ſhould meet the cold ſuggeſtion, by obſerving that *ordinary* ſervices, are ſimply *compenſated*, but that great and *extraordinary* ones, are rewarded. And that with an enlightened and liberal community, with whom gratitude is ever juſtice—and juſtice policy, the conferring this reward, will always be conſidered among its firſt obligations.

I will

I will not follow my Hon. Friend in the enumeration of the benefits derived by the Company and the nation, from theſe ſervices. I would not wiſh, by any weak efforts of mine, to diminiſh the impreſſion of them upon the minds of this aſſembly. Such, however, is the impreſſion upon my mind individually, that when I conſider the perilous edge upon which your intereſts in India have ſtood—the arduous conjunctures, and formidable combinations againſt them. —And, after all, the happy recovery of them, when your exhauſted reſources had no other ſupply than the inexhauſtible mind of which we are ſpeaking.—I am almoſt upon the point of ſaying, that we owe to this character, the very franchiſe by which we are diſcuſſing it.

Sir, the Hon. Mover makes a manly appeal to your juſtice—he does not ſtrike the plaintive key, "*Date obolum Beliſario.*" Such notes muſt have grated upon the ear of this Court. For I aſſure myſelf, *it* is not in *this country* that it will fare with Mr. Haſtings, as it did with a gallant ſpirit, of whom I have heard or read. The town was threatened by hoſtile atrack—there was an important paſs over a bridge—one of the Citizens ſallied from the gates, with a haſty levy, which he had formed in the emergency—he ſeized the important poſt, and with his handfull of followers, maintained it againſt oppoſing numbers, and reſcued the town from the impending danger. Tranquility reſtored, a Council was called to conſider of a remuneration to the faithful and important ſervice, and in the reſult of their deliberations, the patriot Citizen was rewarded with an excluſive patent, to him and his heirs for ever—*to beg on the bridge he had ſaved.* This *appropriate* remuneration is not, I believe, exactly that which awaits the late Governor General of India.

I have not, Sir, any perſonal knowledge of Mr. Haſtings.—I am not his adulator, or his advocate. I know him only through the medium of his publick character. I have not approached him ſo near, as that there ſhould be induced upon my mind, any of thoſe partialities which ſpring from ſocial intercourſe, or from thoſe benefits and kindneſſes which lead even good minds the willing captives of their influence. Exempt from any biaſs of this ſort, I truſt, that in the part I am taking, I conſult, not more the perſonal advantage of Mr. Haſtings, than the true intereſts or the Company.

I am the more free to ſpeak my mind upon this ſubject, becauſe my ſentiments with reſpect to him, have varied. My opinion of him has not been uniform. I acquired, in very early life, an intereſt in this Company, and I own, I was at that time captivated by the grandeur of his character. I afterwards thought I ſaw in him, irregularities which I had wiſhed otherwiſe.—But ſtill, Sir, they were the irregularities of a great mind, untinctured by any baſe, ſordid, and ſelfiſh motives.—And for what incurred?—for the intereſts of the Company, and the Country—and with the very aim which had been directed by his publick inſtructions.*

But of thoſe irregularities, even if it were in my temper and inclination to dilate, how could I ſpeak here?

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* "That in all your deliberations and reſolutions, you make "the ſafety and proſperity of Bengal your chief object, and fix your "attention on the ſecurity of the poſſeſſions and revenues of the "Company." See the Speech of the Hon. Mr. Erſkine, in "The Proceedings on the Trial of an Information, exhibited *ex officio*, by the King's Attorney General, againſt John Stockdale, for a Libel on the Houſe of Commons, tried in the Court of King's Bench, Weſtminſter, on Wedneſday the 9th of December, 1789." This enlightened and impaſſioned Addreſs to the Jury, will amply compenſate for the trouble of conſulting this reference.

here? I reſpect the Government, and the Law has preſcribed me ſilence. At the bar of its higheſt, and moſt auguſt tribunal, Mr. Haſtings has been declared quit and free. The law of the country, beneficent as enlightened, covers him from the ſhafts of reproach, with its protective ſhield. His Impeachment is done away—He is himſelf again—and the remuneration of his acknowledged ſervices, in my poor conception, as duly and neceſſarily follows his acquittal, as a judgment of penalty, would have done his conviction.

And what an *ordeal* has he paſſed? What character could ſuſtain the keen ſearch of the powers of imagination, wit and judgment combined in the enquiry? Who, with undazzled eye, and unſhaken frame, could meet the bright conſtellation of genius in the oppoſite quarter. It was for ſuch an *accuſed*, to meet ſuch *accuſers*—And who more eminently qualified by his diſcriminative powers, to poiſe the ſcales of even-handed juſtice, than the elevated character who ſo long preſided at the procedure?—With the conſideration of a ſubject ſo deeply affecting the intereſts of humanity! with the contemplation of ſuch a ſcene! and filled too, by ſuch characters! the mind expands—man feels a pride in his ſpecies.

Thus regulated in our public judgment, of a character ſo reſtored to our conſideration, let it too be remembered with candour, in our private opinion of it, that we are reviewing a whole life. Is there then any inſtance, even among thoſe characters whom hiſtory has recorded, and poetry has decorated, as the marks of human admiration, and as the examples of high deſert.—Is there any one of them, who could endure ſo ſeverely exact a ſcrutiny? Is there any one of them, who, in the lapſes of error and infirmity, which form the lot of our common nature, has not deviated from the ſplendid tenor of his courſe?—Such characters we ought,

ought, perhaps, *morally* to eſtimate, as men of taſte and feeling are taught *critically* to judge of the ſublime and beautiful combinations of excelling art.*

The Hon. Mover has, Sir, with the liberality that belongs to him, fully ſtated the different propoſitions he means ſucceſſively to offer to you; and following him (though certainly with unequal ſteps) I have not immediately confined myſelf to that which we are now upon, but have been induced to take a view of all of them. The firſt in order, which is at this moment offered to the vote, is properly preliminary, and of inducement to the others, and profeſſes ſimply to recogniſe the repeated acknowledgements of the ſervices of Mr. Haſtings, which appear upon your records. Of the ſecond propoſition, which has for its object an indemnity from the charges he has ſuſtained in his trial, I have not ſo particularly ſpoken, becauſe it ſeems to me virtually included in the remuneration propoſed by the third, to which I have preſumed principally to call your attention. It certainly would be prepoſterous to offer remuneration, unleſs he were previouſly placed in *ſtatu quo*, in the ſituation in which he ſtood before the commencement of the trial, by the reimburſement of the expences with which his private fortune may have been charged. For this is merely *compenſation*, and it is only from where this juſt meaſure completes itſelf, that *remuneration* can properly begin.

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* Verum ubi plura nitént———non ego paucis,
Offendar maculis———
Quas humana parum cavit natura ———.
HOR. ART POET, p. 254. Francis.

But where more numerous beauties charm the ſight,
Who would deſtroy the ſenſe's pure delight?
To mark ſlight errors in the generous plan,
And ſhew the Author was at beſt——but man.
ANON.

begin. In the ſpirit of our law, which *formally* conſiders his trial, as if it had never been, we ought to provide that he may not *ſubſtantially* feel that it has been.

The importance of the ſubject has engaged me farther than I intended—What, however, I wiſh to add will, I perſuade myſelf, make ſome amends for my having treſpaſſed upon your indulgence.

I remember, that on a late occaſion, ſomething in the way of objection and anſwer, was ſaid in this Court, between ſome Gentlemen about Party-motives. I am happy, Sir, that we are arrived this day at a queſtion, in which the predilections of Party, will not mix themſelves—There can, on this occaſion, be but one Party among us—the Party of humanity, gratitude, juſtice. I can therefore venture to cite the ſentiments of a character, who certainly has, in his day, not been undiſtinguiſhed by Party. He has, indeed, been generally ſuppoſed not merely " to have oiled the ſprings" but with a bold and maſterly hand, to have guided the Machine itſelf of Oppoſition. That character views now its emotions, only from the retirement which he enjoys in literary leiſure. It would be a pleaſure to ſee how this cultivated and claſſical mind, would expreſs itſelf upon any occaſion—I have fortunately, Sir, in my hand, a copy of a paſſage from his ſpeech on the very ſubject of your vote—I hope I have not drawn ſo ill, as to make it neceſſary to ſubjoin the name of Mr. Alderman Wilkes to the ſketch.

It was on a proud day for the City of London, when, in the reception of an illuſtrious Gueſt, it diſplayed all that honourable Old Engliſh hoſpitality, which ſo well graces it's feſtivities, that the Chamberlain was called upon, by his office, to pronounce

a complimentary addreſs to the Marquis Cornwallis. I take the freedom of naming him, becauſe, though he is a Member of this Court, he is probably not here. I wiſh, Sir, he was here, for as great minds naturally love one another, he would, I am ſure, have received a very ſincere pleaſure from the Honourable Mover's ſtatement of the ſervices of his predeceſſor—of this addreſs, I ſhall read a part which particularly relates to Mr. Haſtings, but which, at the ſame time, tacitly conveys the higheſt compliment to the Noble Marquis; as it implies the perſuaſion of the Speaker, that the character he was addreſſing, was of a ſtamp ſuperior to the jealouſy of thinking that the tribute perſonally offered to him, ſuffered any diminution from the juſt praiſe that was given to another. Theſe are his words: "My Lord, our great MILTON ſays, "*Peace has her victories, no leſs renown'd than War*— "They have been well earned in the civil adminiſtra- "tion of your Lordſhip. *The native inhabitants of* "*India, were,* at your Lordſhip's* acceſſion to power, "*the happieſt and beſt protected ſubjects in India*; "and they continued to enjoy that protection in the "fulleſt extent, under your happy auſpices. The "plan of a late Governor General, the ſaviour of "India, (Mr. HASTINGS) was examined with great "care and attention, and adhered to with liberality. "A better could not have been adopted. With won- "derful ability, he ſtruggled thro' a maſs of difficul- "ties of a different kind, brought on in a moſt criti- "cal and perplexed ſituation of Indian affairs. He "roſe ſuperior to the combined efforts of our ene- "mies, and preſerved to us the Empire of the Eaſt, to "be ſecured on the moſt permanent baſis, and en- "larged by Lord Cornwallis."

Such,

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* *Vide* Letter from Lord Cornwallis, 10th of Auguſt, 1786, referred to in "The Proceedings in the Court of King's Bench, &c." 9th of December, 1789.

Such, Sir, is the eſtimation of the ſervices which are this day offered to your conſideration—Leſs than what is propoſed, I aſſure myſelf, we ſhall not do, more we cannot do—without affecting to be generous, we can only deſire to be juſt. And though we may indeed, unpreſumptiouſly indulge a reſpectful, dutiful, and loyal wiſh, that a character thus reſtored to the affectionate gratitude of his employers, may not be undiſtinguiſhed by that favor, which, in this generous nation, ever awaits pre-eminent ſervices—more is not with us.

Sir, I have done—I give Mr. Haſtings an independent vote, and I add to it, my wiſh that the ſuffrage of this Court may cheer his ſtill early evening, and that in the enjoyment of that ſociety of perſonal friends and connections which his character has formed around him, forgetting the part of his life which has been marked by diſquietude, he may look back only to the bright meridian of his day.

After Mr. Jones Adair had ſat down,

Lord *Kinnaird* ſaid, he ſhould make no apology to the Court for preſenting himſelf to their notice on the preſent occaſion, as he was one of the Nine Gentlemen, who had ſigned the letter which had called the preſent meeting, it was his duty to ſtate ſome of the motives which had induced him to call for the ſenſe of the Proprietors, on a matter which he conceived of great importance, in as much as the Queſtion now under their conſideration, involved in it principles of juſtice, of ſound policy, and of momentous example. It was but fair that he ſhould ſtate to the Court the very ſingular predicament in which he ſtood reſpecting this buſineſs; in the firſt place, he could aſſure them, that he had not the honour of any perſonal acquaintance with Mr. Haſt-

ings; he had never had any connection with him whatever, nor had he either directly or indirectly, ever received any favour whatſoever from him, or by his means. He had had the honour of ſitting as one of his judges for ſome years, and as it was a very ſevere duty he was about to perform, he had endeavoured to fit himſelf for it, by detaching from his mind every biaſs that might miſlead his judgement; though he had no difficulty in confeſſing, that this was not quite ſo eaſy a taſk, in as much as ſome of the Gentlemen who were entruſted by the Houſe of Commons to manage the proſecution, were thoſe for whoſe general principles, political as well as moral, he had conſiderable veneration; and whoſe habits of thinking and acting in politicks, were congenial with his own; and the exerciſe of whoſe talents, he had never liſtened to *invitis auribus*. It was not poſſible then, but ſome degree of prejudice againſt Mr. Haſtings, muſt have exiſted, and his mind from the opinions which were at that time maintained, and by men to whom he then was, and is proud to avow himſelf ſtill attached. Aware of the wonderful combination of talents which were called forth to make good the charges of the Commons, he endeavoured that his judgement ſhould not be ſeduced, either by the general predilections of his uſual habits of thinking, or by the brilliant diſplay of eloquence, which amazed and delighted thoſe who liſtened to it; and he made his mind up on the reſult of the evidence which was produced, and was applicable to the charges exhibited, in as far as they went, while he ſat in Weſtminſter Hall, and the reſult of all the induſtry and attention he was capable of giving to the ſubject, was a firm conviction that Mr. Haſtings ought to be acquitted; and he moſt ſincerely rejoiced to find that the opinion of his Judges, had reſtored to the Company a meritorious ſervant, who had undergone a trial, which thank God, had no parallell in the pages of hiſtory; a trial, which had well nigh endangered

endangered the very exiſtence of the ſupreme judicial tribunal of this kingdom; for it is well known that circumſtances reſpecting the nature of evidence, as well as the diſguſting tedioufneſs of the proceedings, had well nigh baniſhed from the minds of all men, every reſpect or favour, and that the proceedings in this cauſe, can ever be treated with reſpect, or the Court itſelf hereafter held in due veneration—muſt be attributed to the ſagacious and penetrating mind of a Noble and Learned Lord, who lately held the firſt judicial office in this country—whoſe ſteady zeal to protect the dignity of the Court in which he ſat, could only be equalled by the power of effecting it; for a more extraordinary diſplay of a mind capable of diſcriminating amidſt the maſs of cumbrous matter in which this Queſtion was involved, all that was neceſſary, or applicable to its elucidation, never was exhibited, and could only be ſurpaſſed by the aſtoniſhing facility with which that Noble Lord diſcuſſed, ſelected, and made plain to the ſimpleſt capacity, points which before appeared involved in impenetrable obſcurity; and thereby did he enable every one of the Noble Judges to give their verdict from a knowledge of the ſubject, agreeable to the conviction of their minds. How much then, was due to that Noble and Learned Lord? and how honourable to the Gentleman in queſtion, was ſuch a teſtimony? In every point of view, one is amazed that the conduct of Mr. Haſtings for ſo many years, and in ſo many difficult and perilous moments, ſhould not have furniſhed the zeal (he had almoſt ſaid furious zeal) of one of the principal managers of the impeachment, whoſe powers of wielding the pen, muſt ever be looked up to with admiration, to faſten upon him one criminal act; more eſpecially when one recollects that all the talents of ancient Greece, or all the acquiſitions of Rome, in her moſt brilliant days, could not have furniſhed more powerful examples of faſcinating eloquence, for the purpoſe

purpoſe of blackening and criminating the character of the Gentleman in queſtion; the commanding eloquence of *Pericles*, the impreſſive acuſer of *Eſchines*, the powerful oratory of *Demoſthenes*; or the more perſuaſive talents of *Cicero*, had their imitators, and he might almoſt ſay their equals, exhibited on that ſtage; and notwithſtanding all this, the character of Mr. Haſtings hath paſſed through the ordeal trial of this fierce alembick, nor has one ſpot of criminal error been fixed on it. Who then, ſaid his Lordſhip, can deny that the reſult of all this tedious and afflicting buſineſs, has been highly honourable to him? If then, the meritorious ſervices of this Gentleman, both in a pecuniary and political point of view, as detailed by the Honourable Mover of the Queſtion, are eſtabliſhed beyond the poſſibility of a doubt, would it be fit that the juſtice, dignity, and good policy of the Company, ſhould be violated in his caſe, merely becauſe he had undergone a proſecution, (it may almoſt be called a perſecution) for ſeven long years, and having eſtabliſhed his innocence, now aſks for that teſtimony of the Company's ſenſe of his ſervices, which would have been granted him when he firſt arrived from India, without a diſſenting voice? If ſo, what mighty boon, ſaid his Lordſhip, is now propoſed, for to accommodate himſelf to the ideas of thoſe who calculate nicely, the quantum, and not the policy of rewards for ſervices. Let it be ſuppoſed that the annuity now moved for, had been granted to Mr. Haſtings from the time he left India—the ſum he would have received, adding to it a moderate progreſſive intereſt, would nearly reach that, which is now required to be applied to diſcharge a debt, not incurred by any voluntary act of Mr. Haſtings, but ariſing out of his peculiar ſituation, as the ſervant of the Company; and as it appears that no blame whatever has attached to him in that character, it is but bare juſtice that he ſhould be ſupported by thoſe, for whoſe ſervice he has ſuffered.

God

God forbid that his reward ſhould be the privilege to beg on the bridge which he has himſelf ſupported, and ſo amply decorated. The juſtice of this caſe, ſaid his Lordſhip, is ſo apparent that there cannot be a diſſenting voice. But, alas; the abridged powers of the Court, never could be regretted more truly than at preſent, for the Motion, when agreed to here, can only be ſaid to be in its progreſs to obtain a ſanction elſewhere; let it then, be ſent with all that zeal and unanimity, which may force concurrence, even from reluctant minds. A circumſtance had been mentioned reſpecting the preſent of ten lacks of Rupees, which Mr. Haſtings added to the coffers of the Company, and which certainly the Company never would have poſſeſſed, but from the nigh eſteem in which he was held, together with the opinion of a venerated relation of his Lordſhips. Now upon that ſubject, his Lordſhip ſaid, he felt it his duty to confirm what had been ſtated, as ariſing out of his own perſonal knowledge; had that truely reſpectable character ſaid he, whoſe eloquence had been wont to delight, and arguments to convince this Court, been preſent that day, he would have been eager to have ſupported the cauſe of juſtice; for though it is well known his general line of India politicks, did not ſquare with that of Mr. Haſtings, he would have been guided alone by that principle of diſtributive juſtice, which dictated the ſentiment that had been quoted, and which he would have moved the Court to confirm, by returning the preſent, which it now appears Mr. Haſtings's ſervices ſo truly merit—hitherto, no diſſentient voice, ſaid his Lordſhip, had appeared, and he hoped that none would appear; for to ſupport the cauſe of juſtice, and to reward the ſervices of one who has added ſo largely to the opulence of that great Company, muſt ever be the unanimous ſentiment of a generous Proprietary; and the buſineſs of the day would do honor to them and their proceedings, would prove the compleat

cure

cure for all the ſufferings of Mr. Haſtings, and hold forth to poſterity, the beſt incitement to exertion on the part of their ſervants, by covering them with their protective wing. His Lordſhip apologized for detaining them ſo long, and concluded by ſaying, that although he could have wiſhed ſome alteration in reſpect to the term for which the annuity was moved, yet he approved ſo much of the principle, that the different Motions met his moſt hearty aſſent.

Mr. *Vanſittart* ſaid, he roſe merely to ſtate that he had been intimately acquainted with Mr. Haſtings for above thirty years, and could witneſs that every object of his heart, ſince he had been in the Company's ſervice, had been to promote their intereſts in India, and exalt the Britiſh character in that quarter of the globe. That he had utterly diſregarded thoſe conſiderations of enriching himſelf, and making his own fortune, which he undoubtedly had in his power, and which it would have perhaps, been more prudent to have attended to in a greater degree than he had done. Hence he did not come from India as rich as other men, with leſs opportunities, had returned home. That he had promoted the Company's intereſt moſt effectually, was undeniable, as the increaſe of their Dividend bore the moſt unequivocal proof of the fact. He merited therefore, every conſideration from the Proprietary, who had profited in ſo eminent a degree by his ſervices, and he truſted that the Company would manifeſt at once their generoſity, and their juſtice, by preventing the conſequences that muſt befall Mr. Haſtings, if the heavy expences that had been incurred by his trial, on an impeachment for thoſe meaſures and acts of his government, by which the revenues of the Company had been increaſed Millions annually, were ſuffered to remain as debts due from Mr. Haſtings, at the ſame time that they

continued to ſhare and to enjov the profits of his able and wiſe conduct, when Governor General of India.

Mr. *Tolfrey* roſe and ſaid, after the ample and eloquent manner in which the merits of Mr. Haſtings's Government have been this day diſcuſſed, I certainly ſhall not intrude on the time of the Court, to expreſs at any length, my own ſentiments on the ſubject. The object of my riſing, is to bring back to Gentlemens recollection, the terms of the Motion now to be decided on, which perhaps may render any further diſcuſſion reſpecting it unneceſſary. The Motion now before the Chair, is merely to acknowledge our ſenſe of Mr. Haſtings's long, faithful, and important ſervices—that is, to be conſiſtent with ourſelves, by confirming the Reſolution, which, if I miſtake not, we unanimouſly came to ſoon after his return to this country. Whatever difference of opinion there may at preſent be, (I truſt ultimately there will be none) as to the indemnification and reward which Mr. Haſtings may be entitled to. There has not appeared the ſlighteſt diſpoſition to queſtion the fact of his ſervices, or to deny the extenſive benefits which both the Company and the nation have derived from them. Surely, Sir, this is not the time to retract our former opinion of Mr. Haſtings's conduct; when we have the ſatisfaction to find, that after the ordeal of an eight years trial, that it is ſanctioned by the higheſt tribunal in this country. We ſhall not place ourſelves in the capricious predicament of extolling Mr. Haſtings before his acquittal, and denying him our approbation afterwards. We ſhall not heſitate to confirm our own Reſolution in his favour, when he has been honourably acquitted, after ſuch a rigid inveſtigation as no adminiſtration ever before underwent, and as few but that of Mr. Haſtings could have withſtood: after a coalition of the moſt eminent abilities this country can boaſt; after the exertion of ſuch powers of eloquence againſt

him, as innocence alone could ſuſtain, and the pure and enlightened minds of his judges reſiſt. A Noble Lord, one of his Judges, has juſt told us, deſcribing its ſeductive influence, that the eloquence of Cicero was exerted againſt Mr. Haſtings. Yes, Sir, the part of Cicero was indeed abundantly played, but no Verres could be found. Inſtead of provinces laid waſte and depopulated, Mr. Haſtings left a rich and populous country. Inſtead of a plundered and ruined, a protected and flouriſhing nation. Inſtead of curſes and execrations, he received the bleſſings and prayers of thoſe whom he had governed; who, when his Government was at an end, when his influence had expired, when he ſtood before the bar of his country, loaded with imputed delinquencies, united in the effuſions of their gratitude for the bleſſings they had enjoyed under his wiſe, juſt, and proſperous Adminiſtration. The very people he ſtood accuſed with having oppreſſed, united as with one voice, to deny the oppreſſion, and to vindicate the ſuppoſed oppreſſor, tranſmitting acroſs the globe, their willing and unſought teſtimony of his great and eminent ſervices; of thoſe ſervices, we are now called upon by every principle of conſiſtency and juſtice, to acknowledge; and by all the ties of gratitude, to reverence.

Mr. *Knox* ſaid, he did not know Mr. Haſtings, for he had never ſeen more of him than his back, under the diſgraceful circumſtances of a priſoner at the Lords bar. He had, however, been in a ſituation while Mr. Haſtings was Governor General of India, which enabled him to have authentic information of the ſtate of our affairs in that country; and he owed it to Mr. Haſtings, he owed it to the Proprietors of Eaſt India Stock, and he owed it to himſelf, to ſtate to the Court upon this occaſion, the opinion which not himſelf only, but the Adminiſtration with which he had the honour to ſerve, then entertained of Mr. Haſtings,

Haſtings's conduct. Soon after the French entered into the war, as the allies of America, it was diſcovered that a Treaty had been made between them and Hyder Ally, which had for its object, the expulſion of the Engliſh from Indoſtan; and to this Treaty, every one of the Country powers had acceded. There was then no money in the Company's treaſury; the troops were ſeveral months in arrear, and an order to them to take the field would have produced a general mutiny. Such was the condition of the Company's affairs, when Mr. Haſtings had advice of the arrival of a ſuperior French fleet, upon the coaſt of Coromandel; and I well remember that every one who read the diſpatches from India at that time, declared the country was loſt. It was under theſe circumſtances, Mr. Haſtings poſſeſſed himſelf of the Begum's treaſures, with which he paid the army, and enabled it to take the field, and brought over the General of the Marattas, which diſſolved the confederacy, and ſaved India to Great Britain. That action was made the ground of the heavieſt charge againſt him. But it ſhould ſeem that his accuſers were themſelves unconvinced of its enormity, for when the mind is ſatisfied an unjuſt action has been perpetrated, its firſt motion is to make reſtitution to the injured; the puniſhment of the offender is a ſecondary conſideration. But while the vaulted roof of Weſtminſter Hall, was reſounding with imprecating apoſtrophies, and the pavement below was ſtrewed with "raw head and bloody bone," Proſopopœia, and every *figure* of rhetoric, was exhauſted to draw down their Lordſhip's heavieſt judgement upon the head of the culprit; not a *unit* was taken from arithmetic, to calculate the compenſation that was to be made to the injured Princeſſes. Although the proſecutors had the purſe of the nation, and could draw the ſtrings at pleaſure.

As therefore, he conſidered Mr. Haſtings as not only unjuſtly accuſed, but to have rendered great and important ſervices to the Company and the nation, Mr. Knox ſaid, he ſhould certainly give his ſupport to his worthy Friend's propoſition; and he was very ſure if all thoſe Miniſters with whom he had ſerved, were now alive, and to come into that Court, they would think the compenſation propoſed, much inferior to Mr. Haſtings's deſerts.

Mr. *Heywood* declared he did not approve of the Motion. He had nothing to ſay of the merits of Mr. Haſtings, nor againſt him. He declared he was an utter ſtranger to that Gentleman; he had not even the advantage of an Hon. Proprietor who had ſpoken near him, ſome little time ſince (Mr. Knox) he had not even ſeen his back; he ſpoke merely as an Independent Proprietor, and could not reconcile it to himſelf to vote away ſo many thouſand pounds in a morning, merely becauſe ſome particular friends of Mr. Haſtings, came there and ſpoke highly in his favour. He did not pretend to decide upon that gentleman's merits or demerits, but he knew that the publick were heartily ſick of the diſcuſſion, and that great differences of opinion had been, and ſtill were entertained by great, wiſe, and able men, upon the ſubject of his conduct. Admitting, however, that Mr. Haſtings had done all that was imputed to him, when Governor General of India, the moſt that could be ſaid was, that he had done his duty as a ſervant of the Company, and he preſumed other ſervants had alſo done their duty; he did not ſee any ground of extraordinary claim arifing from that circumſtance. It had been intimated that Mr. Haſtings was poor. If ſo, he was himſelf to blame, for his want of prudence. The appointments and power of Governor General of India, for ſo many years as Mr. Haſtings had held them, he conceived might

might well have enabled him to acquire a fortune ſufficient to allow him to live not only with comfort, but with a degree of affluence equal to his ſituation in life; and therefore if he had neglected his opportunities, that was his own fault, and not the fault of the Company. With regard to his trial, Gentlemen ought to recollect that Mr. Haſtings had been impeached by the Commons of England, on behalf of the country; having therefore been acquitted, the country ought to diſcharge his expences, and not the Company, who had not accuſed him, or put him on his trial. At any rate, Parliament ought to have been applied to in the firſt inſtance, and if the application had been rejected there, it would then have been time enough to have appealed to the generoſity of the Proprietors of India Stock. But beſides this, there ſeemed another point, Mr. Heywood ſaid, which appeared to him, to call for conſideration and deciſion, as a preliminary, before they diſcuſſed the merits of the queſtion itſelf. He wiſhed to have information from the proper legal authority, whether thatCourt had a *right*, under the laſt Act of Parliament, (33 Geo. III. cap. 3.) to vote or give 70,000*l.* to the diſcharge of Mr. Haſtings's debts, or on any other account whatever. He underſtood that the whole of the revenues of the Company, was ſpecially appropriated by that act, and therefore he was inclined to doubt the *right* of the Court to render the Motion effectual, if it were voted. But even if they had the right, he thought they ought not to exerciſe it till after the Houſe of Commons had been applied to on the ſubject, without effect.

Mr. *Grant*, (a Director) ſaid, that having the misfortune to differ in opinion from moſt of the gentlemen who had delivered their ſentiments on the ſubject, and thinking with the learned Gentleman who had juſt ſat down, that if the expences incurred by Mr. Haſtings, were to be diſcharged, the Nation, on whoſe

whoſe behalf he had been impeached, ought to pay them, and not the Company; he could not therefore agree to the propoſitions brought forward. Mr. Grant ſaid, he had thought it neceſſary to ſtate this, in conſequence of the opinion he had formed for himſelf on the ſubject, and that he had no motive whatever for the declaration he had made, but the impreſſion and conviction of his own mind. He acted not in concert with any one Gentleman, neither had he any knowledge of the opinions of others, who had not yet delivered their ſentiments, but thinking as he did, without the ſmalleſt conſideration of a perſonal nature, he ſhould not vote on any of the propoſitions.

Mr. *Trench Chiſwell* roſe to explain. He ſaid he had it in his power to give the Court ſome information relative to one part of the learned Gentleman's ſpeech, viz. that Parliament ought to have been applied to in the firſt inſtance, for the diſcharge of the law expences attendant on the trial of Mr. Haſtings. Mr. Chiſwell ſaid, he had himſelf been one of two gentlemen to wait on the Miniſter, to conſult with him for the very purpoſe of preſenting a petition to the Houſe of Commons to that effect, as gentlemen would recollect that according to the forms of the Houſe, no Petition for money can be entertained by the Houſe, unleſs his Majeſty's Chancellor of the Exchequer riſes and ſignifies his Majeſty's conſent to that Petition being received. That the Miniſter had declared to him, and the other Gentleman with him, that he could not adviſe his Majeſty to give his conſent; the friends of Mr. Haſtings were therefore compelled to make the application to the Company.

Mr. *Jackſon* ſaid, he found himſelf much relieved from the embarraſſment, which he ſhould otherwiſe have felt upon the preſent occaſion, by the manly conduct of his Honourable and learned Friend (Mr. Heywood,)

wood,) who had had the fortitude to face the torrent of eloquence and opinion which had borne down upon the Court, and boldly ſay, what he felt and thought as an independent Proprietor, ſuch Mr. Jackſon ſaid, was the example which he ſhould attempt to follow; he felt indeed, much concern at being obliged to differ upon ſuch an occaſion, not only from his Honourable friend (Mr. Luſhington) who had opened the Queſtion with ſo much candour and ability, but with many other very reſpectable perſons, who had been new to their debates, and apparently indifferent to their proceedings, 'till that, and the preceding General Court. It was ſome conſolation to him however to think, that upon a great part of what had been propoſed his objections would principally be confined to the form of proceeding, which his Hon. Friend might perhaps ſee the wiſdom of accommodating to the general practice of that Court.

All the Honourable Gentlemen who had gone before him, had diſcovered great ſolicitude to convince the Court, that they had no kind of perſonal connection with Mr. Haſtings. There were few perſons, more at liberty than himſelf, to make a ſimilar declaration; he could well ſay with a noble and learned Lord, that he only knew Mr. Haſtings as he knew Alexander the Great, by having read of the fame of his actions! As to the private character of Mr. Haſtings, he collected it through a medium the moſt honourable to that Gentleman, namely the excellent character of thoſe friends, who for ſo many years, had ſhewn toward him a degree of attachment, that ſeem to increaſe with his ſufferings, and riſe with the neceſſity which called for their ſupport; with many of thoſe, he had the pleaſure of an intimate acquaintance, he knew them to be men that could not cheriſh or adhere to any perſon whom they thought deficient in honour, or general worth.

Mr.

Mr. Jackſon deſired to be underſtood as profeſſedly and expreſsly, refraining from any diſcuſſion of the merits of Mr. Haſtings, the Court would ſee by the motion with which he ſhould have the honour to conclude, that he thought the fit time for ſuch a diſcuſſion, would be on receiving the Report from the Directors; ſhould it then be thought neceſſary, he would endeavour to diſcharge his duty. He was one that thought Mr. Haſtings not free from error, but he thought alſo, that he had performed great and ſplendid ſervices; and as the Company had deemed it proper to pocket the fruits of them, he conceived they were bound in honour to diſcharge towards Mr. Haſtings, what had been called by the learned Gentleman (Mr. Adair) as liberally as juſtly, a debt of gratitude.

The objection which Mr. Jackſon ſaid he felt to the preſent form of proceeding was, that it began at the wrong end. The conſtitution of the Company required, it was true, the concurrence of both Courts, to operate any grant of money, but the practice had been either to receive propoſitions of that nature from the Directors, by way of recommendation, or elſe to refer the matter from that Court, to their conſideration. If that precedent were broken in upon, he thought it might lead to the moſt dangerous conſequences. The Directors were a reſponſible body, the Proprietors were not. The Directors had means of enquiry, which the Proprietors did not poſſeſs; with the Directors, every ſuch reſolution as thoſe now propoſed, would be the reſult of great thought and deliberation; with the Proprietors, it was frequently from the warm impulſe of the moment, that ill brooked thoſe neceſſary guards, which the law had placed upon their funds. Neither could he help thinking, Mr. Jackſon ſaid, but that it was treating their Directors lightly, thus to call upon them to pay very conſiderable ſums of money, without even aſking their opinion of the propriety of the

the meaſure, or if they poſſeſſed the means for carrying it into execution.

The Court would recollect, that in the caſe of the Marquis Cornwallis, it was not only in deliberation, but in terms, the joint act of the Court of Directors, and the Court of Proprietors. He had had the honour to ſecond and ſupport the propoſition reſpecting the Noble Marquis, and remembered to have been anxious that it ſhould be done in ſuch a way, as to be conſiſtent with that principle which he now contended for, namely, that the Directors were the conſtitutional guardians of the publick purſe of the Company.

Mr. Jackſon ſaid, that though he wiſhed the whole to be referred to the conſideration of the Directors, in the firſt inſtance, yet as perhaps a majority of Gentlemen had come down to ſupport certain reſolutions, and a manner of proceeding previouſly agreed to, he would briefly ſtate his ideas as to the remuneration which had been propoſed for Mr. Haſtings, namely, a *penſion*, and an *indemnification* for his law expences. He thought them, in every point of view, extremely diſtinct. The penſion he wiſhed to ſee beſtowed upon Mr. Haſtings, for the reaſons he had ſtated, becauſe he had rendered conſiderable ſervices to the Company; and though he had not increaſed their revenue to the extent deſcribed by the Hon. Gentleman who opened the debate, and who had omitted to notice the India debt, which had ariſen during the adminiſtration of Mr. Haſtings, and muſt of courſe be deducted from the revenue of the territories acquired, as well as a little confounded publick and *private* acts, yet it ſeemed generally to be admitted, that Mr. Haſtings had laid the foundation of that ſolid government, which had now taken place, and which had given a ſtability and conſiſtency to our Eaſtern territories, ſcarce known to any other colonial

poſſeſſions whatever. And even admitting theſe territories to have been acquired by means not the moſt regular, and not warranted by the orders of the Company, ſtill the Company, he thought, had eſtopped themſelves from the right of making ſuch objections, by having conſtantly, and exultingly taken among their aſſets, the rental of thoſe acquiſitions. They were bound, therefore, by every tie of gratitude and honour, to provide comfort for the latter day of him, whoſe ſervice had been to them a ſource of riches, as far as was conſiſtent with propriety, with the law, and with the ſtate of their finances. He thought the gentlemen who brought forward the buſineſs, had ſhewn great good ſenſe, and Mr. Haſtings an honourable degree of candour, by the explicit ſtatement of his property, which had been delivered. An idea had certainly gone abroad, that though Mr. Haſtings might be poor, Mrs. Haſtings was rich. So perfect and implicit, Mr. Jackſon ſaid, was his confidence in every declaration which fell from his Hon. Friend (Mr. Luſhington) that from that moment, he ſhould entertain no doubt upon the ſubject. With regard, however, to the manner of the penſion, he thought his Hon. Friend had fallen into a conſiderable inaccuracy, when he propoſed it to be a *retroſpective* penſion What was a retroſpective penſion, but a *gift* of ſo much as was retroſpective? And did the Act warrant either the Company, or the Commiſſioners for the Affairs of India, to break in upon the ſettled appropriations, by gifts, or grants of ſums of money?

As to the indemnification, Mr. Jackſon ſaid, he thought it an extremely different Queſtion from the Remuneration by way of Penſion; the indemnification if liſtened to at all, muſt be conſidered as an act of munificence; it ought never to have been treated as obligatory upon the Company in equity or in law. Upon this part of the ſubject, he argreed entirely with his

his Honourable and Learned Friend, (Mr. Heywood) that the indemnification ſhould proceed from the publick purſe. He admitted that Mr. Haſtings was an injured man, but it was the State, not the Eaſt India Company, which had injured him; and even the State had not injured, by accuſing him. God forbid that impediments ſhould be thrown in the way of, or odium caſt upon the accuſation of publick characters; the ſafety of the people depended upon the facility of proceeding againſt them. But the State had no right to keep Mr. Haſtings ſeven years upon a trial, which ought to have been finiſhed in as many months, perhaps in as many weeks. It was a groſs and ſcandalous violation of the fundamental maxims of the law and the Conſtitution, and one of the deareſt inherent rights, with which, and to which every Briton was born, namely, the ſpeedy adminiſtration of juſtice. It was in vain that ſome men were eternally pronouncing warm eulogiums upon liberty, or glowing panegyricks upon the Conſtitution, while ſo flagrant an inſtance as a ſeven years trial, at an expence of 70,000l. ſtained the page of their hiſtory. Every diſcriminating foreigner would laugh them to ſcorn, and aſk, is this your liberty! and is ſuch your Conſtitution? Let Mr. Haſtings then, firſt apply to his Country, to which, with ſo much juſtice, he might prefer his claim. If he miſſed of indemnification, his Country would loſe its character; and if ſuch ſhould be the caſe, and Mr. Haſtings meet with a refuſal, he would not deny but that if he came back to that Court, as to his old friends, and employers, and candidly told them, that without their further kindneſs, he muſt ſink, he (Mr. Jackſon,) ſhould feel as anxious as any man, to adminiſter to him every conſolation which great minds are ſuſceptible of, as far as was conſiſtent with the circumſtances of the Company.

Mr.

Mr. Jackſon then noticed how much the honour of the General Court was concerned, in abſtaining from a reſolution which could have no legal effect. He reminded them how ſucceſsfully the argument of haſty, and tumultuary reſolutions, and their contravening both the Government and their Directors, had been uſed, when an attempt was made, under Mr. Fox's bill, to annihilate General Courts altogether, though notwithſtanding ſome inſtances of abuſe, they had proved the wiſeſt check that could have been contrived, and did, upon that very occaſion, ſave the Company. If it were poſſible that there ſhould be any perſons then preſent, brooding over an abridgement of their privileges, or fooliſhly thinking that Commiſſioners or Directors were exalted by bringing General Courts into contempt, inſtead of perceiving that the weight of the one conſtituted the dignity of the other, neither of which had ever ſtood higher than at that moment, ſuch perſons might indeed anticipate triumph from the proceedings of that day, for he would venture to prophecy that ſome of the reſolutions, if carried, would never travel beyond that Court, but being null in themſelves, would only remain upon their journals, at once a proof of their impotency and precipitation.

Under theſe impreſſions, Mr. Jackſon ſaid, and from his great anxiety to prevent a precedent which might at ſome future time be fatally perverted, he ſhould move, by way of amendment to the ſecond Reſolution, ———

Mr. Jackſon was interrupted by its being obſerved by ſeveral Gentlemen, that the ſecond Reſolution was not yet before the Court, and as there appeared to be no difference of opinion about the firſt, that which went to a general acknowledgement of the important ſervices of Mr. Haſtings, it was ſubmitted to the Court, whether

whether it would not be better to put the Queſtion upon that, before they proceeded to diſcuſs the merits of the ſecond?

This being agreed to, the firſt Motion was voted unanimouſly.

Mr. *Alderman Luſhington* then roſe to move the ſecond, which was as follows:

"That the Charges made againſt Warren Haſtings, "Eſq. having been founded upon the publick acts "of his Government in Bengal, and he having been "acquitted of all ſuch charges, it is highly reaſon-"able that the ſaid Warren Haſtings, Eſq. ſhould be "indemnified for the legal expences incurred by him, "in making his defence." Which was handed to the Chair, and read in form.

Mr. *Jackſon* then roſe again, and moved by way of Amendment to the ſecond Reſolution, that after the word "Reſolved," the whole of the words of that reſolution, ſhould be left out, and the following inſerted in their ſtead, viz. "That it be recommended to the "Court of Directors, to take into their conſideration "the ſervices and ſituation of Warren Haſtings, Eſq. "late Governor General of Bengal; and to report their "opinion to this Court, in what mode, and to what "extent, it may be expedient for the Proprietors to "grant a pecuniary compenſation for the ſame."

This Amendment being ſeconded by Mr. Bryan Troughton,

Major *Scott* roſe after Mr. Jackſon, and ſaid, that nothing would have induced him to have offered himſelf to the attention of the Court on the preſent day, but the circumſtance of his being well informed of

ſome

ſome facts, which perhaps were not ſo accurately known by other Gentlemen, and which it was very important to ſtate on this occaſion. It ſeemed to be the *unanimous opinion of the Court*, that the expences incurred by Mr. Haſtings in the courſe of his Trial ought to be paid ſome how or other, but the Learned Gentleman who ſpoke laſt, and another Learned Gentleman who preceded him, had both declared that it was unfair and unjuſt to make ſuch a demand upon the Company, until Mr. Haſtings had firſt tried the Houſe of Commons, who in juſtice, ought to pay the expences. Major Scott ſaid, that thoſe Gentlemen ſpoke the ſentiments of Mr. Haſtings moſt exactly, and in his own words. In every diſcuſſion upon this ſubject amongſt his friends, as often as it was mentioned, that, in return for the great benefits which the Company had received from his Adminiſtration, there could be no doubt of their indemnifying him for his expences, and rewarding him for his ſervices, Mr. Haſtings replied, that he truſted to the Company for ſuch a remuneration as they might think him, under all the circumſtances of the caſe, entitled to for his ſervices; but with reſpect to his expences, he conceived that he had not the ſlighteſt claim upon the Company, until he had tried the Houſe of Commons, becauſe Gentlemen of all parties in that Houſe, had recognized the juſtice of his claim to indemnification at various ſtages of the Trial, in the event of his acquittal. Major Scott ſaid, that notwithſtanding this had been the language of Gentlemen in the Houſe, while the Trial was pending, yet there was hardly one Member to whom Mr. Haſtings applied, that did not ſtrongly diſſuade him from trying the Houſe of Commons, aſſuring him at the ſame time, that he had not the moſt diſtant chance of ſucceſs. Mr. Haſtings however, who was not deterred from doing what he conceived to be right, even by the almoſt unanimous diſſent of his private friends in the Houſe of Commons, wrote a Petition,

couched

couched in the moſt moderate language, in which he ſet forth, that he had been thirteen years Governor, or Governor General of Bengal, in times of great difficulty and danger: That he had formed a ſyſtem for the internal Government of Bengal, in the firſt period of his Adminiſtration, had repelled the attacks of our foreign enemies in the ſecond period, and finally had left it, and its reſources, conſiderably augmented, and in a ſtate of proſperity: That to his misfortune, however, the late Houſe of Commons thought differently of his conduct, and in the end he was impeached; twenty Articles were preferred againſt him, which included every important act of his Government for the ſpace of thirteen years; Civil, Military, Political, and Financial: That to defend himſelf againſt ſuch a variety of charges, a very great expence was neceſſarily incurred, for though it was true, that the Houſe ultimately reſted the cauſe upon four points, yet he was uninformed of this intention, until the fourth year of his Trial. That the total legal expence of the trial, exceeded Seventy Thouſand Pounds, of which more than Sixty Thouſand Pounds was ſtill unpaid. That as he had been fully acquitted of all the Charges, and as he was convinced it was not the intention of the Houſe, that had impeached him, to ruin him by the neceſſary expences in making his defence, even if he had been guilty; ſtill leſs, could it be the intention of the preſent Houſe, to leave him involved in utter ruin, after ſo complete an accquittal. He therefore humbly preſumed to lay his unprecedented Caſe before the Houſe, praying for ſuch relief, as in their juſtice and wiſdom, they might think him entitled to. Major Scott ſaid, that he had not a Copy of the Petition, in his pocket, but he believed he had with tolerable accuracy detailed its moſt material contents to the Court. His Honourable Friend (Mr. Chiſwell) had already ſtated that the Petition was ſubmitted to the Miniſter, and unleſs Mr. Pitt

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ſignified His Majeſty's conſent to its being preſented, the Petition, conſiſtently with the forms of the Houſe, could not be preſented at all. Mr. Pitt, as the Court already knew, had ſaid, that he could not with propriety adviſe his Majeſty, to allow him to ſignify ſuch aſſent. What then could Mr. Haſtings do? The door of the Houſe was barred againſt him. He was not a Member himſelf, and as the ſentiments of the Oppoſition were alſo pretty well known to be hoſtile to the Petition, what individual Member would hazard a Motion with an abſolute certainty of its being negatived? Every Member would act upon his own feelings, but Mr. Haſtings was left without a choice. The language of many Members had certainly been, that the Company had benefited by all thoſe acts of Mr. Haſtings, which the laſt Houſe of Commons had condemned; conſequently the Company was the proper Body to apply to. The Miniſter ſtopped the direct mode of application, for reaſons which doubtleſs would fully juſtify him for acting as he had done. Mr. Haſtings, therefore, had no reſource left, but an application to that Body, in whoſe ſervice he had been for ſo many years, and who had ſo repeatedly admitted the value and importance of his ſervice.—Major Scott ſaid, that after the forcible and eloquent ſpeech of the Hon. Gentleman who opened the buſineſs, it would indeed be ſuperfluous to add a ſingle word, unleſs as it applied to the obſervations of thoſe Gentlemen, Members of the Houſe of Commons, who conceived that the Company, and not the Nation, ought to pay the law expences. In truth, the Major ſaid, the Eaſt-India Company had been tried, for ſeven years, in the perſon of Mr. Haſtings; perhaps he might carry it ſtill higher, he might ſay, that in the perſon of Mr. Haſtings, the Britiſh Nation had thought proper to enquire whether it could, with any regard to character, honour, or morals, continue to enjoy the immenſe advantage, which ſhe annually drew from India,

India, and of which the King's Miniſters annually and loudly boaſted. The reſult of the Meaſures of Mr. Haſtings, certainly was this, that above two millions ſterling were added to the annual reſources of the Bengal Government; that is, when Mr. Haſtings came to the Government of Bengal, the total annual reſources were three millions one hundred and thirty two thouſand pounds; when he quitted them, they were five millions two hundred and eighteen thouſand pounds; and by the continued operation of the ſyſtem eſtabliſhed by Mr. Haſtings, they were encreaſed to five millions and a half. The Major then deſired the Court to conſider for one moment—for what had Mr. Haſtings been impeached? It was hardly neceſſary to tell them, that he was impeached for all that ſyſtem of foreign and domeſtic policy, which conſiderably extended their empire, preſerved it from foreign enemies, and which added two millions a year to the reſources of the Eaſt-India Company. But they were not merely to conſider the juſtice of paying expences incurred in defending the propriety of meaſures by which *they* had ſo highly benefitted; they were alſo to conſider that in the event of the condemnation of Mr. Haſtings, the Company muſt have been utterly, and irretrievably ruined.—He would not take the large ground on which the Impeachment originally reſted, but confine himſelf to the three points on which evidence was given, that jointly affected Mr. Haſtings and the Eaſt-India Company—theſe were Benares, the Begum, and the Preſents. In the charge of Benares, Mr. Haſtings was accuſed of unjuſtly compelling Cheyt Sing, and criminally extorting an additional rent of two hundred thouſand pounds a year from the preſent Raja. That additional rent has been paid ever ſince 1781; conſequently with the intereſt, the expulſion of Cheyt Sing has brought above five millions into the public treaſury. The Begum's moiety, with intereſt, is one million eight hundred thouſand

pounds; and the preſents received by Mr. Haſtings for the Company, with the intereſt upon them, would now be nine hundred thouſand pounds. A total of eight millions, beſides a diminution of 200,000l. a year from the future rent of Benares.

Major Scott ſaid, that upon no principle of juſtice, honour, or common ſenſe, could Mr. Haſtings have been found guilty, and the Company left to enjoy the fruits of rapine, oppreſſion and plunder. Indeed if there were any Gentlemen in the Court, as he had no doubt there were, who were in Weſtminſter Hall the laſt day of Mr. Sheridan's ſpeech, they muſt recollect, that that Gentleman, in the moſt diſtinct and unqualified terms declared, that the proſecution of Mr. Haſtings was undertaken for the expreſs purpoſe *of doing Juſtice to India*. To puniſh the oppreſſor was certainly an object, ſaid Mr. Sheridan, but trifling indeed, when compared to the more important one of *redreſſing the Wrongs of the Oppreſſed*. He admitted it to be true, that many millions had been acquired by the acts of Mr. Haſtings. But the Lords, as Judges, were not to look to any conſequences that might reſult from his condemnation. Cheyt Sing, if Mr. Haſtings were found guilty, muſt be ſought out, whether he were in a Mahratta Camp, or with Tippoo Sultan. He muſt be reſtored preciſely as he ſtood in 1781; and the intereſt of the additional rents received muſt be repaid to him. The Begum muſt alſo have her money back, with intereſt. The preſents muſt likewiſe be reſtored to thoſe from whom they were received. All this muſt be done by the Company, if its funds would anſwer for ſo many millions! if not by the Houſe of Commons, œconomical as they were. To ſuppoſe that the Nation would puniſh Mr. Haſtings for being an oppreſſor, yet meanly enjoy the fruits of his oppreſſions, was moſt baſely to libel her. Such, the Major ſaid, was the concluding ſpeech of

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Mr. Sheridan; when repreſenting, in Weſtminſter-Hall, all the people of England. Shall it then be ſaid, that Mr. Haſtings only was tried? Impoſſible! His acquittal is a matter of infinite moment to the Eaſt-India Company, in a pecuniary point of view; but, ſaid the Major, it is of infinite moment indeed, in point of much greater conſequence—it has preſerved pure and unſullied the honour of the Company, and of the Britiſh Nation. It has cleared both from thoſe vile and deteſtable calumnies which have been circulated againſt the Company, and againſt the Nation as connected with this Company, for ſo many years. The world will now believe that ſolemn truth, ſo often aſſerted by the King's India Miniſter, and by every man poſſeſſing any knowledge of the ſubject. That the Government of Great Britain has been a bleſſing, and not a curſe, to the millions under its rule. That our ſubjects, are the happieſt and the beſt protected people in India. That Bengal has been in a progreſſive ſtate of improvement from the firſt period of Mr. Haſtings's Adminiſtration, to the preſent day. By the acquittal of Mr. Haſtings, the juſtice, as well as the wiſdom of thoſe meaſures, are fully eſtabliſhed, by which ſums were received, amounting, with intereſt, to above Thirty Four Millions ſterling, and additional Revenues actually created, exceeding Two Millions ſterling a year; and we may now be ſaid to hold ſecurely, what prior to the acquittal of Mr. Haſtings, we held by a very precarious tenure. In this point of view, and ſo it muſt be conſidered, his acquittal is a moſt important ſubject for triumph, both to the Company and to the Nation; after having done ſo much for both; leaving India as Mr. Haſtings did, after a thirteen years Adminiſtration, with its Revenues ſo greatly improved; preſerving it, as he did, in the laſt general War againſt the moſt powerful combination ever formed for the deſtruction of a ſingle State. Beloved, reſpected, and regretted as he was when he

left India, and retaining to this moment, as he has done, all the affections and eſteem of the people whom he governed ſo long, and the general regard of his countrymen who have ſerved in India; after having gone through an ordeal of ſeven years, will this Company, adopting the ſentiments of two Learned Gentlemen, ſay to Mr. Haſtings, "we think you have been a moſt profitable and able ſervant to us, we always thought ſo, you ought to be paid your expences, you ought to be rewarded; but we did not proſecute you, it was the Houſe of Commons, it was the Britiſh Nation—let them pay as they ought to do. Mr. Chairman, this Company will not hold ſuch language. They know that Mr. Haſtings thought, as the learned Gentleman does, that in equity he had a fair claim upon the Houſe of Commons; but he had no power to enforce his claim? Could he compel thoſe who thought differently as to the juſtice of his claim, to change their opinions? No—he could not.—He had no means of bringing his caſe even before the Houſe of Commons; for no individual Member, knowing the ſentiments both of the Miniſter and of the Oppoſition, would be very fond of moving the queſtion. Was he then between two ſtools to fall to the ground? Impoſſible! Mr. Chairman, I have the fulleſt confidence both in the juſtice and the generoſity of the Court, to a ſervant whom they have repeatedly thanked for his exertions, and to whom the Court of Directors, after all his acts were before them, returned unanimous thanks for long, faithful, and able ſervices.

Mr. *Jackſon* begun his reply, by obſerving that the Honourable Gentleman (Major SCOTT) had undeſignedly, he was ſure, but palpably, miſrepreſented his argument; he had charged him with an intention to put Mr. Haſtings betwixt two ſtools, by ſending him from that Court to the Houſe of Commons, where it was now certain he would obtain

obtain no redreſs. Mr. Jackſon appealed to the recollection of the Court, if he had not expreſsly ſaid, that if the Houſe of Commons ſhould be ſo loſt to decency and juſtice, as to refuſe indemnification to a perſon who had been kept ſeven years upon his trial, at the ſuit of the Country, then would be the time for Mr. Haſtings to come to that Court, and throw himſelf into the arms of his friends, and fairly ſtate his ſufferings and his ſituation. Did the Hon. Major fear that the Court would grow cool in a few weeks? Was it likely that the Proprietors, who on that day had ſhewn ſo much ſenſibility and warmth of affection towards Mr. Haſtings, who had not ſuffered a ſpace of eight or ten years reſidence in this country to deaden a ſingle impreſſion of ſervices performed even ſeveral years before his return; but on the contrary had ſhewn themſelves as much alive to their merit, as if Mr. Haſtings had landed but yeſterday to give an account of them; was it conſiſtent he deſired to aſk, to ſuppoſe that the ſame perſons would ſay to Mr. Haſtings when he came back to them unſucceſsfull from the Houſe of Commons, oh! no! you ſhould have taken us while we were warm—you ſhould have inſiſted while we were in the humour, that period is now paſſed, and we will have nothing to do with your indemnification? Sure he was, that no feature of the character of that Court, juſtified ſuch a ſuppoſition.

Mr. Jackſon ſaid, he could not hear, without extreme concern, Gentlemen who were, or had been Members of the Britiſh Legiſlature ſpeak of the anſwer of the Miniſter, as the reſolution of the State; much as he reſpected his talents and his virtues, he thanked God, that the Miniſter of the Country was *not yet* the Parliament of the Country, though ſuch muſt be the Hon. Major's concluſion, when he ſaid the doors of Parliament were ſhut; ſuch a declaration he thought did

did not become either the character of the Legiſlature, or the dignity of Mr. Haſtings's claim upon it. The Hon. Gentleman muſt know, that though no Petition of a pecuniary nature could be lain upon the table of the Houſe, without a meſſage from the Crown, yet it might be introduced, its merits might be opened and diſcuſſed ſo as to bring the ſubject before the country with out that form. But a much more direct and manly way preſented itſelf, the means were within three ſquare feet of where the Hon. Major was ſeated; he was ſurrounded by Members of Parliament who had that day made moſt eloquent and paſſionate appeals to the *Juſtice* of the Court; he thought that they not only owed it to that ſacred principle but to Mr. Haſtings's honour, to move an addreſs to the Crown to take his ſufferings into its conſideration; if they had not the courage or the inclination to perform this act of friendſhip, he muſt be compelled to ſuſpect the extent of that attachment which they had ſo loudly boaſted. It was not enough to ſay, that they ſhould not ſucceed; he thought they would; for though the Miniſter might feel it impoſſible to conſent to the application, he might refrain from oppoſing it; at all events, thoſe Hon. Members would have diſcharged their duty to Mr. Haſtings and to their Country. If the Commons of great Britain thought proper to ſubſcribe their own ſhame, to place upon their records, and to chronicle to poſterity, that a Britiſh ſubject had been ſeven years upon his trial, and acquitted without conceſſion or reparation from the People, his accuſers, then he was perſuaded, that not only would Mr. Haſtings experience the kindneſs and munificence of that Court, but every generous heart throughout the country would ſympathize with him, lighten his ſorrows, and even decorate and dignify misfortune, by bringing to it, the tribute of univerſal affection.

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Mr. Jackſon thought it idle to ſay, that the pride of the Houſe would not ſuffer them to cheriſh the application; he thought more worthily of the repreſentatives of the country; he had before expreſsly ſtated, that he found no fault with the accuſation; men of the moſt honourable minds, and of the niceſt ſenſibility, daily accuſed, in inſtances where the party was acquitted, and if it once obtained as a concluſion, that the acquittal of the party accuſed reflected diſgrace upon the accuſers, the whole ſyſtem of juriſprudence would be ſhaken to its center; but ſure he was, that the ſame elevation of ſentiment, which made careful and feeling accuſers, would lead them to commiſerate, and repair any injury, which had ariſen out of a departure from the ordinary courſe of juſtice, to the perſon whom they had failed to convict. He truſted, therefore, that the Hon. Members, to whom he had alluded, would not meaſure principle by the probability of its ſucceſs; he hoped that juſtice was not of ſo mutable a nature, as to be one thing in St. Stephen's chapel, and another in Leadenhall-ſtreet; that moral obligation was to be conſidered as binding at one end of the town, and perfectly looſe at the other; this was a ſyſtem of ethicks to which he could not ſubſcribe, and which, for the honour of human nature, he hoped would never be ſet up. Mr. Jackſon ſaid, that he was not only convinced that the call for indemnity was not in point of juſtice upon that Company, but the preſſing it upon them at that moment was beſet with dangers which he could not but deprecate.

He muſt perſiſt in calling this motion an inſult to the Houſe of Commons. Thus, upon the inſtant of acquittal, without ceremony, without preface, or public communication with Miniſters through the medium of their Directors, to reſolve to indemnify the perſon whom the Houſe, in its wiſdom, had thought proper to accuſe, ſeemed to him the heighth of raſhneſs.

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That Company was ſaid to live but on the breath of Parliament; why then wantonly riſk its diſpleaſure, when the ſame end might be accompliſhed in a way more reſpectful? He had been told that certain Members of Parliament ſhould ſay, that it was the affair of the Company, which had derived the profits from Mr. Haſtings, to indemnify him. If Parliament would fairly ſay ſo, there was an end of their difficulties; all objections as to the want of concurrence on the part of the Directors, the danger of the precedent, or the illegality of the meaſure, would vaniſh before the will of Parliament; but at preſent thoſe objections remained in full force. He had ever held the rights of the Directors as ſacred as his own, he had indeed oppoſed their granting money without the conſent of the Proprietors, but never had it entered into his contemplation, that the Proprietors ſhould vote away money without the concurrence of the Directors; this would be a privilege of a moſt dangerous nature, and he dreaded the precedent which the reſolution in queſtion was about to eſtabliſh. An expreſſion, which had fallen from the Hon. Baronet in the Chair, ſeemed to convey that the Directors wiſhed to decline taking any ſhare in the queſtion, but would receive the commands of the Court. He muſt take leave to ſay, that this was no anſwer for him. If the queſtion was unfit for the Directors to diſcuſs, it was unfit for the Proprietors to conſent to; if it were fit for the Proprietors to conſeht to, it was ſuch a one as the Directors were bound in duty to diſcuſs; they were in reſponſible ſituations; they were bound to know from the hiſtory of the Company the merits of Mr. Haſtings; and, from their knowledge of its funds, their capacity for remuneration; they were alſo bound to enquire into the legality of ſuch a meaſure; all which ſhewed how much more correct a method of proceeding it would have been to have referred the whole matter to the Directors in the firſt inſtance. He muſt ſay, he ſhould

have thought it more for the honour of Mr. Haſtings ſo to have done.—In the caſe of the Marquis Cornwallis it was the joint reſolution of the Court of Directors and Proprietors.

Mr. Jackſon ſaid, he underſtood Mr. Haſtings to be a man who preferred his fame to his fortune, or his life; and that he was peculiarly anxious for the good opinion of poſterity. If poſterity ſhould conſult the records of the Company, and find the meaſure in queſtion, not the offspring of Government, nor the offspring of the Court of Directors, but originating with a band of his own friends, who, mutually honourable as might be their mutual attachment, ſtill appeared there that day as his avowed friends and advocates, might not poſterity be a little led to ſuſpect the purity of their motives, as well as the high character of Mr: Haſtings? But this, he ſaid, was mere prudential reaſoning; a greater objection remained, it was *abſolutely illegal*; he had had no difficulty in declaring it as his opinion, that not even the Commiſſioners for the Affairs of India, could ſanction the meaſure. Parliament had appropriated every ſhilling of their revenue, and nothing ſhort of an act of Parliament could take the ſum propoſed out of the rules of that appropriation. After the diſcharge of certain obligations, and their other *outgoings*, charges, and expences, they were bound to pay to Government Five Hundred Thouſand Pounds per annum, if ſo much remained.

Mr. Jackſon ſaid he had, perhaps, been a faſtidious debtor to Government; he had oppoſed their having more money, or having it ſooner than the act warranted; but, he hoped, he was a juſt debtor to Government, and he would maintain, that they were entitled to the next guinea, after the diſcharge of the obligations alluded to. He ſhould think himſelf a

moſt ſhallow caſuiſt, if he were to rank a caſe which had never happened before, and which, even among Impeachments, was anomalous, under the head of ordinary *outgoings*; much as he was known to reſpect the opinion of his worthy and learned friend (Mr. Rous), upon this occaſion, he felt anxious for further advice; he thought the opinion which Mr. Serjeant Adair had lately given upon the queſtion, of raiſing three regiments for the ſervice of Government, was exactly in point, and as concluſive as it was correct.—But his Hon. friend (Mr. Luſhington) had endeavoured to eſtabliſh its legality, upon the implied compact for indemnification between the employer, and the employed. Mr. J. ſaid he had not, when on his legs before, met that part of his Hon. Friend's argument, not thinking his caſes analagous, and feeling but little diſpoſed to treat Mr. Haſtings as a Revenue Officer, or as a common ſervant; but he would now endeavour to point out the difference between the caſes cited and that of Mr. Haſtings.

When the Company had thought proper to reimburſe Governor Verelſt a few thouſand pounds, which he had been caſt in as damages, the Proſecutor was an individual, and the Governor had conducted himſelf in the ordinary courſe of his Government. Here the People of England were the proſecutors, and the charges were certainly not of an ordinary nature. The caſe of Mr. Wilkes he thought ſtill wider from that before them; Mr. Wilkes obtained his damages againſt an Officer of the Crown, who had miſconducted himſelf in the courſe of legal proceſs; in what way had the Eaſt India Company miſconducted themſelves towards Mr. Haſtings? The caſe of Maſter and Servant, though undoubtedly the neareſt, did not reach the preſent caſe; he humbly apprehended the nature of their implied compact to be this: if the ſervant arrived at harm in carrying into execution the ſpecific directions

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of his maſter, the maſter was bound to indemnify him; or if acting, according to the beſt of his diſcretion, within his general authority, the obligation ſtill held; but if a ſervant ſuſtained injury from having tranſcended all authority veſted in him, either general or ſpecific, ſurely it would not be contended that his maſter was bound to bear him harmleſs to any extent, yet ſuch was the known and avowed ſituation of Mr. Haſtings; his friends had that day, and on other occaſions, reſted both the merits and defence of Mr Haſtings, upon his having boldly uſurped an authority, in order as they contended, to ſave the empire of India. Mr. Jackſon ſaid he had purpoſely abſtained from entering upon his merits or demerits; but ſurely this was enough to take the caſe out of the ordinary rule of maſter and ſervant. The greateſt men in the country had ſeen Mr. Haſtings's merits in different points of view; one Noble and Learned Lord, of moſt illuſtrious talents, ſaw him all perfection; another Noble and Learned Lord, with faculties not leſs ſplendid, and a mind not leſs ſuſceptible, of the kindeſt impreſſions, ſaw much to admire, and much to blame, in thirteeen years of critical adminiſtration.

Mr. Jackſon owned himſelf to incline to this latter opinion; the Miniſter for India had thought ſo many years back, and moved and carried his recal in the Houſe of Commons. The Directors confirmed that recal, though they were afterwards over-ruled by the General Court. The preſent Chancellor of the Exchequer had expreſsly delivered that opinion, when he voted for the impeachment, and the Houſe had ſolemnly determined there was ground for that impeachment, not for obeying the criminal orders of criminal maſters, but for the crime of exceeding and departing from his regular inſtructions. He muſt therefore declare, though he knew it would be offenſive to many that heard him, that, in point of law and ſtrict juſtice,

Mr. Haſtings had no claim upon the Company for *his indemnification*; nor could he (Mr. J.) ſuffer that kind of doctrine to be held without aſſerting his opinion to the contrary. Mr. Haſtings had every thing to hope for, from their perſonal regard for him, and from their known munificence, but he muſt object to an act of ſpontaneous munificence, being treated as the mere diſcharge of a debt. Mr. Jackſon ſaid he conſented chearfully to the annuity, and admitted that to be a debt of gratitude, becauſe he thought that all men who ſerved the Public (and in ſerving the Company, Mr. Haſtings had ſerved the Public) were entitled to liberal reward; whether it might be ſo previouſly ſtipulated or not, the moral obligation was the ſame. The man or body of men, who could accept of public ſervices without indicating a diſpoſition to reward them, muſt poſſeſs minds of the moſt ſordid and diminutive deſcription. Men of high ſpirit, talents, and honour, were apt to confide; they could ſeldom ſtoop to make a bargain for their zeal, or condeſcend to claim the conſideration which it deſerved. Perſons in power knew well this temper, and daily practiced upon it; they found themſelves ſerved cheapeſt by modeſt merit; they knew that the noble mind could never be importunate; and they held it time enough to be liberal when importunity came, or when unbluſhing venality came boldly to the point, and convinced them it muſt be purchaſed.

Such was ſaid to be the wretched policy of Courts, and to obtain among men who were callous to thoſe juſt principles, which form the ſacred rules of private life. Such a policy, however, had not yet infected the Eaſt India Company; the hiſtory of that Court was but one unvaried tiſſue of generoſity and juſtice, towards thoſe who had promoted their intereſts.

A No-

A Noble Marquis had recently experienced this fact, and he hoped Mr. Haſtings was about to do the ſame. But between *compenſation* and *indemnification*, he ſhould ever contend there was a wide diſtinction. Mr. Haſtings had ſerved the Company; let the Company compenſate him. The Country had outraged Mr. Haſtings, not by accuſing him, but by the protraction of his trial; let the country indemnify him for his enormous expences. Upon the whole, Mr. Jackſon ſaid, convinced as he was, that Mr. Haſtings had no legal claim for his indemnification upon the Company, but that it ought to proceed from the public; and thinking the Reſolution now propoſed, moſt dangerous as to precedent, diſreſpectful to the Directors, unjuſt towards Government as interfering with its juſt demands upon them, and impolitic in itſelf as flying in the face of the Houſe of Commons, he ſhould conclude with once more earneſtly preſſing it upon the Court, to refer the whole matter to the conſideration of the Court of Directors, who could examine every bearing of the queſtion, who perhaps might be able to remove conſtitutional objections, to avoid legal difficulties, and whoſe wiſh and impulſe he knew it would be, to convey to Mr. Haſtings every comfort and aſſiſtance, conſiſtent with the pecuniary circumſtances of the Company. If Gentlemen preſſed the original queſtion, they might indeed highly gratify their warm feelings, but he thought they run ſome riſk of failing in their main object, which he preſumed to be, to render ſubſtantial ſervice to Mr. Haſtings.

The CHAIRMAN informed the Court, that the Opinion of Mr. Rous, the Company's Counſel, had been taken by the Directors, upon the legality of the propoſition, which he would order to be read. It was read accordingly, and ſtated that Mr. Rous conceived

ceived the Motion was legal, under the words of the Act of Parliament, which were read as follows:

33 *Geo.* III. *Cap.* 52, *Sect.* 111. And be it further enacted, That during the continuance of the Excluſive Trade of the ſaid Company, the *nett proceeds* of their Sales of Goods at home, with the duties and allowances ariſing by private trade, and *all other profits* of the ſaid Company in Great Britain, after providing for the payment of Bills of Exchange already accepted by the ſaid Company, as the ſame ſhall become due, and for the current payment of other debts, intereſt, and *other outgoings*, *charges*, and *expences* of the ſaid Company, &c. &c.

At Mr. Jackſon's requeſt, the following Clauſe of the Act was read, which Mr. Jackſon contended was illuſtrative of his argument, in oppoſition to the conſtruction put on the Act of Parliament by Mr. Rous, the Company's Counſel.

33 *Geo. III. Cap.* 52. *Sec.* 125, And whereas for protecting the funds of the ſaid Company during their further term in the ſaid Excluſive Trade, from being burthened with any *improper charges*, it is expedient that the ſaid Company ſhould be put under reaſonable limitations, in reſpect to the *granting of Penſions*, or *increaſing the Salaries of their Officers and Servants*, or *creating new Eſtabliſhments*. Be it further enacted, that no Grant or Reſolution of the ſaid Company, or their Court of Directors, to be made after the paſſing of this act, and during the continuance of their right in the ſaid Excluſive Trade, whereby the ſaid Funds may become chargeable with *any new Salary*, or *increaſe of Salary*, or *any new or additional eſtabliſhment of Officers or Servants*, or *any new Penſion*, or *increaſe of Penſion*, to any one Perſon exceeding *two hundred* pounds per annum, ſhall be available in law, unleſs ſuch Grant or Reſolution ſhall be approved

proved and confirmed by the Board of Commiſſioners for the Affairs of India, atteſted under the hand of the Preſident of the ſaid Board.

This 125th ſection, it was contended by ſeveral gentlemen, referred only to the grant of Penſions, increaſe of Salaries, or the creation of new Eſtabliſhments, and had conſequently *no bearing* on the import of the Propoſition for an indemnification of Mr. Haſtings, which was to be conſidered as a mere *outgoing*, *charge*, and *expence* of the Company.

Mr. Jackſon's Amendment was then ſubmitted to the vote of the Court, and negatived.

Mr. *Alderman Luſhington* propoſed to vote the ſecond and third Reſolution together.

A demur aroſe as to the looſeneſs of the wording the latter part of the Reſolution, and it was deemed neceſſary to limit the indemnification to a ſpecific ſum, it became therefore a Queſtion, what ſum ſhould be ſpecified?

Major *Scott* ſaid, the accounts of Mr. Haſtings's law charges, were at this time under the audit of two Maſters in Chancery, and that as nearly as could be aſcertained, the amount was 71,080l.; part of which was paid, and the reſt remained as a debt due from Mr. Haſtings.

Some converſation here took place upon the ſuggeſtion of a Proprietor, that it would be proper to appoint a Committee to inſpect the account, and report the amount.

Lord *Kinnaird* thought it would be ſufficiently ſafe in the hands of the Directors, and that no Committee was neceſſary.

Mr.

Mr. *Jackſon* ſaid, that Mr. Haſtings had had one conſolation under his misfortunes, namely, that of falling into legal hands, of the moſt honourable kind. The gentleman who, as Solicitor, had conducted his defence, was known not only to have arranged the aſtoniſhing maſs of matter which he had to collect for the occaſion, with wonderful accuracy, but to have conducted himſelf throughout, with the utmoſt fairneſs. Mr. Jackſon thought, however, that ſome ſum ſhould be ſtated, and ſuggeſted the filling up the reſolution with the ſum mentioned by the Hon. Major, viz. not exceeding 71,080l.

This idea was immediately adopted, and the Chairman was about to put the Queſtion, when

Mr. *Serjeant Watſon* roſe and declared, it had not been his intention to have ſaid a word more in that Court, but as that was a Queſtion which involved a point of law, and was by no means of the deſcription of Queſtions ordinarily ſubmitted to the diſcuſſion of the Proprietary, he could not ſtand by and ſuffer the Queſtion to go to the vote, without ſtating that he entertained very ſerious doubts as to the legality of the Reſolution, and the *right* the Court had to pay the money under the authority of the Clauſe in the Act which had been read. The 111th Section of the Act that authorized the payment of *all outgoings, charges*, &c. could only be conſtrued to mean *ordinary* and *cuſtomary charges*, and not an *item* of ſo *extraordinary* a nature, as the charges in queſtion. But at any rate, the poſſibility of error in a matter of ſo much importance, he thought was a ſufficient reaſon for the Court's acting with great caution, and therefore he propoſed to divide the Reſolution, and vote the firſt part of it as an inſtruction to the Directors to inſpect the accounts, and take the opinion of the firſt law authorities, as to the legal power of the

the Company to diſcharge the amount under the words of the Act of Parliament. The Learned Serjeant enforced this objection by argument, and ſaid, if it ſhould turn out that the firſt law authorities entertained the ſame doubts on the matter, that very ſeriouſly impreſſed his mind, the Proprietary might apply to Parliament for a Bill to ſanction the meaſure; if, however, the Proprietors preſent did not approve of this propoſition, he hoped at leaſt, that they would ſo far guard the Reſolution, as to add the words, "if "the ſame can be legally done."

Mr. *Tolfrey* ſaid, after the clear and decided opinion of our learned Counſel, deliberately given in ſupport of the power of the Company, to grant an indemnification to Mr. Haſtings; I ought to apologize to the Court, for any thing like an attempt to anſwer the doubts which have been ſuggeſted by the learned Judge who ſpoke laſt, againſt the legality of the propoſed Reſolution, to that effect. It would be the utmoſt preſumption in me to ſuppoſe that any thing I can ſay, will either add to the weight of the learned Counſel's deciſion, or be ſucceſsful in oppoſing the high authority by which its ſoundneſs is now queſtioned; but having been aware that an objection of this nature, would be ſtarted, I will beg leave in a few words, juſt to ſtate what had occurred to me as an anſwer to it.—The power is contended for, under the 111th Clauſe of the late Act of Parliament, which authorizes the payment of all *outgoings*, *charges*, &c. even antecedent to the dividend. But this, the learned Judge ſays, muſt be conſtrued to be ordinary and cuſtomary charges, and not an *item* of this extraordinary nature. Sir, there is nothing extraordinary in the nature of the charge, whatever there may be unuſual in the amount of it; it is ſuch an outgoing, as the Company have on many occaſions diſcharged, and ſurely if I can eſtabliſh the principle to have been acknowledged and

acted upon, the quantum will make no difference in the argument; or if it does, it will be in favour of Mr. Haſtings, for the more enormous theſe coſts are, the heavier they fall on an individual to pay, attaching to his honourable acquittal, all the pecuniary penalty, though not the ſtigma of a condemnation. That this principle has been acted upon, even after condemnation, has been ſhewn in one inſtance, by the Honourable Alderman who made the Motion, in the caſe of Governor Verelſt. A more recent caſe, and one ſtrictly analogous occurs to me—that of Nauderah Begum, *v.* the Patna Council. Here was an inſtance of a Begum's being impriſoned, and deprived of her jewels and property, by the Act of the Government of Patna.—The Council juſtified their conduct, as done in the exerciſe of the powers of their Government; they were defended by the Company in India, and the expences of the appeal to this country, have within theſe laſt three or four years (juſt before the paſſing of this Act of Parliament) been paid by the Court of Directors. If then, this was the practice of the Company, at the time the Act of Parliament paſſed, it muſt be comprehended, even on the conſtruction of the learned Judge, within the words and meaning of the clauſe, I have referred to. But Sir, it is not neceſſary to ſhew that this power is conferred by the Act of Parliament. It is incumbent on thoſe, who contend that the Company have no ſuch power, to ſhew where it is prohibited. The Act of Parliament which goes to controul the Company, in any manner whatever, as to the diſpoſal of their own property, is highly reſtrictive; it is the reſtriction of a natural right, and is to be conſtrued ſtrictly. It is not ſufficient to ſay, that the power to liquidate charges ſuch as theſe, is not expreſsly given, it undoubtedly was in the poſſeſſion of the Company, and exerciſed by them antecedent to the Act, and therefore it is left, if it be not expreſsly taken away.

Sir,

Sir, it ſeems to me, that the conſtruction of the learned Judge, defeats itſelf by proving too much, and to involve the Directors in a dilemna, from which even his great abilities and legal ſkill will not be able to extricate them. If all the payments* they have made ſince the paſſing of the Act, are to be tried upon this conſtruction of it, they will be found in arrear to the Company, to a larger amount than they may probably be aware of, or than I truſt they are, in point of law reſponſible for.

Mr. *Alderman Luſhington* thought the adding the words propoſed by the learned Serjeant, would only embarraſs the Proprietors, when they came to ballot; as the Queſtion ſo amended, would throw a doubt on the face of it, that might ſtartle thoſe who would otherwiſe be inclined to vote for it.

Mr. *David Scott* (the Deputy Chairman) concurred with Mr. Alderman Luſhington, and ſaid, they might be aſſured that the Directors would take care not to do any thing that was illegal.

Mr. *Owen* ſaid, he lamented, as every man, who was not loſt to humanity, muſt lament the late ſituation of Mr. Haſtings: he was anxious that Mr. Haſtings ſhould by ſome means, be reimburſed the expences of his proſecution; but being ſomewhat accuſtomed to the conſideration of legal Queſtions, and having heard an opinion read (Mr. Rous's) to which he could *not* ſubſcribe, he felt himſelf bound (however unpleaſant the taſk) to deliver his ſentiments. Mr. Owen clearly thought, that the latter part of the learned Counſel's opinion was erroneous, and that the intended meaſure for indemnifying Mr. Haſtings, was directly contrary

* Subſcription to the fire at Ratcliffe, to Soldiers Widows, cloathing troops on the the continent, &c. &c.

contrary to the ſpirit, and to the expreſs letter of the Act of Parliament. The only power which the Company had to vote Mr. Haſtings 70,000*l.* was under the words: "outgoings, charges, and expences," mentioned in the *33d Geo.* III. *C.* 52, *Sect.* 111, when different Acts of Parliament, were founded in *Pari Materia*, it was uſual and fair, to expound one of them by another; and on the preſent occaſion, Mr. Owen begged leave to call in aid, the Act of the *13th Geo.* III. *C.* 64. There a neceſſity for the moſt rigid œconomy was recognized, and from the *13th Sect.* of that Act.* It was apparent, that by the words: "out-

* *13th Geo.* III. *C.* 64. *Sect.* 13.—And whereas, in the preſent circumſtances of the Eaſt India Company, it will not be in their power to provide for the repayment of ſuch loan as aforeſaid, and for eſtabliſhing their affairs upon a more ſecure foundation for the time to come, unleſs the public ſhould agree to forego, for the preſent, all participation in the profits ariſing from the territorial acquiſitions and revenues, lately obtained in the Eaſt Indies, in order that proviſion be made by Parliament, for applying as well the whole of the profits ariſing from the ſaid territorial acquiſitions and revenues, as all the revenue and profits of the Company, after providing for certain neceſſary payments and deductions, to be made thereout, to the payment of the ſaid ſum of One Million Four Hundred Thouſand Pounds, and to the reduction of the Company's bond debt; be it therefore enacted by the authority aforeſaid, That, until the ſaid ſum of One Million Four Hundred Thouſand Pounds, ſhall have been repaid, and the bond debt of the ſaid Company, be reduced to the ſum of One Million Five Hundred Thouſand Pounds; the whole clear profits, ariſing from the ſaid territorial acquiſitions and revenues, after defraying the charges and expences attending the ſame, together with all the clear revenue and profits of the ſaid Company, after providing for the current payments of Intereſt, and other outgoings, charges, and expences of the ſaid Company, ſhall from time to time, be diſpoſed of, and applied in manner following, that is to ſay, until the whole of the money ſo advanced, and applied as aforeſaid, ſhall have been repaid

" outgoings &c." the Legiſlature meant " neceſſary payments and deductions" only. Then what are neceſſary payments? If a man is proſecuted and acquitted, he cannot recover damages from the proſecutor, unleſs he proves that the proſecution was founded in malice, and that the ſame was inſtituted without probable cauſe. If a ſervant is proſecuted criminally, for an act done even by the order, and with the approbation of his maſter, yet the law will not allow that ſervant to recover from the maſter, the coſts which he has incurred in his defence. The maſter would certainly be bound in honour to indemnify his ſervant, though not in law; but, admitting (for the ſake of the argument) that there is no difference between the ordinary caſe of maſter and ſervant, and the relation which exiſted between the Company and Mr. Haſtings, at the time of his proſecution; and ſuppoſing that this, undoubtedly was a debt of honour, could the Directors pay ſuch a debt of honour, under the head

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repaid, it ſhall and may be lawful, out of the ſaid clear revenues and profits, to ſet apart and apply, in the firſt place, ſuch ſum as may be ſufficient for anſwering a dividend to the Proprietors of the Stock of the ſaid Company, not exceeding the rate of Six Pound per cent. per ann. upon the capital Stock of the ſaid Company, and all the ſurplus of the ſaid clear revenues and profits, ſhall be applied in diminution of the ſaid ſum of One Million Four Hundred Thouſand Pounds, or ſuch part thereof, as ſhall be remaining unpaid, and for the defraying the charges incurred in reſpect thereof; and after the repayment of the whole of the money ſo advanced and applied as aforeſaid, and until the bond debt of the ſaid Company, ſhall be reduced to the ſum of One Million Five Hundred Thouſand Pounds, it ſhall and may be lawful, in the like manner, to ſet apart and apply in the firſt place, out of the ſaid clear revenues and profits, ſuch ſum as may be ſufficient for anſwering a dividend not exceeding the rate of ſeven pounds per cent. per annum upon the capital Stock of the ſaid Company; after which, all the ſurplus of the ſaid clear revenues and profits ſhall be applied in reducing the bond debt of the ſaid Company.

head of "outgoings, charges, and expences?" Mr. Owen contended that they could not.

Could the Company do it by way of gratuity for paſt ſervices? To ſay that they could, would be a monſtrous conſtruction of the Act; for by *Sect.* 125, the Company was ſo reſtrained, that they could not grant to Mr. Haſtings an annuity, or penſion of 201*l.* per annum, without the approbation and confirmation of the Board of Commiſſioners. If however the Company could vote to Mr. Haſtings 70,000*l.* they might circuitouſly grant him a penſion to an unlimited amount. If the Company could grant Mr. Haſtings the groſs ſum of 70,000*l.* by which he might probably procure an annuity of 10,000*l.* they might in like manner, create to him an annuity or penſion to any extent. Mr. Owen repeated his anxious wiſh that Mr. Haſtings ſhould be reimburſed his expences of the proſecution, if poſſible; but declared himſelf decidedly of opinion, that the mode then under conſideration, was illegal.

Sir *Francis Baring* ſaid, that the principle of the Reſolution was by no means a novelty. They had various precedents on their books, of indemnifications to their ſervants, the only difference was the extent of the amount, but if the principle was right in itſelf, the magnitude of the ſum could not affect it.

Mr. *Jackſon* recommended it to the Court to take the opinions of the Attorney and Solicitor General.

Mr. *Impey*, with great good humour, reminded his Learned Friend that at the preceding Court*, he had *inſtructed* him that the Company's Counſel was the uſual,

* That held May 13, on the Queſtion reſtricting Proprietors from voting on their own Contracts, or on any Queſtion in which they had a direct pecuniary intereſt.

uſual, and the proper law authority, for that Court to reſort to.

After further ſlight converſation between Mr. *Jackſon*, Mr. *Chiſwell*, Mr. *Henchman*, Lord *Kinnaird*, and one or two other Proprietors, the Queſtion was put on Serjeant Watſon's Amendment, and the ſame was negatived.

The ſecond and third reſolutions conjoined, were then put to the vote, and carried with the Amendment, as follows:

Reſolved, That the Charges made againſt Warren Haſtings, Eſq. having been founded upon the publick acts of his Government in Bengal, and he having been acquitted of all ſuch charges; it is highly reaſonable that the ſaid WARREN HASTINGS, Eſq. ſhould be indemnified for the legal expences incurred by him, in making his defence.

Reſolved therefore, that this Court do recommend to the Court of Directors, to apply to WARREN HASTINGS, Eſq. for a ſtatement of the ſaid expences, and that after having eſtabliſhed the ſame, by a full and ſatisfactory inveſtigation, they do diſcharge the amount thereof, not exceeding 71,080l.

It was agreed, that although this Queſtion had paſſed by a great majority of the Proprietors preſent, that it ought to be referred to the deciſion of a Ballot, and a Ballot was accordingly demanded by Mr. *Alderman Luſhington*, and eight other Proprietors, in due form, and fixed by the Chairman, with the approbation of the Court, for Tueſday the 2d of June.

Mr. *Alderman Luſhington* propoſed his laſt Reſolution, having firſt amended it, by leaving out the words "from the period of the return of Mr. Haſtings," and inſerting "from the 1ſt of January, 1795, to the expiration of the Company's Charter for an Excluſive Trade," in order to obviate Mr. Jackſon's objections to its being retroſpective, and to meet whoſe ideas, and profit by whoſe ſuggeſtions, Mr. Luſhington

ton profeſſed himſelf to be at all times extremely anxious. It ſtood therefore thus:

Reſolved, That it is the opinion of this Court, that, in conſideration of the long, faithful, and important ſervices of WARREN HASTINGS, Eſq. and to mark the grateful ſenſe entertained by this Company, of the extenſive benefits which they have received from theſe ſervices, a grant of an annuity of 5000l. from the 1ſt of January, 1795, to iſſue from the territorial revenue, during the term of the Company's preſent excluſive trade, to WARREN HASTINGS, Eſq. his heirs, executors, adminiſtrators, and aſſigns, be prepared by the Court of Directors, and ſubmitted to the Board of Commiſſioners for the Affairs of India, for their approval and confirmation, purſuant to the Act of Parliament.

The Reſolution was agreed to, and a converſation aroſe, whether the Queſtion ought, like the preceding one, to go to a Ballot; ſeveral gentlemen thought that it ſtood on pretty nearly the ſame grounds with the Reſolution for the Indemnification, others maintained a contrary opinion.

Mr. *Tolfrey* ſaid, this Queſtion appears to me, to ſtand on very different grounds from the laſt, and that a Ballot upon it, is by no means neceſſary or proper. The former Reſolution was to be definitively decided by the Company. The preſent, after it has paſt this Court, and the Court of Directors, is to be ſent to the Board of Controul, for their approval and confirmation. In offering a remuneration to Mr. Haſtings, his feelings ſhould be conſulted, and as there has very properly been no diſtinction made, either in the amount or the nature of the penſion now propoſed, and that recently granted to Marquis Cornwallis, neither ſhould there be any in the manner of beſtowing it. The penſion to the Noble Marquis, was decided on in a General Court, and did not go to a Ballot—a Ballot may be conſtrued to imply a doubt, and a difference of opinion. I beg leave to ſubmit it to the Proprietors, that

that after the handſome and unanimous teſtimony they have given as to Mr. Haſting's merits, they ought not to leave the Court without coming to a deciſive vote, as far as it reſts with them, on the Reſolution for his penſion.

It being ſtill contended, that the Reſolution ought to be referred to the deciſion of a Ballot, Mr. *Alderman Luſhington*, and the Gentlemen who had ſtood forward as the moſt ſtrenuous ſupporters of the Motion, conſented that it ſhould be ſo referred.

The Ballot on the Reſolution to grant the ANNUITY, was fixed for Wedneſday, the 3d of June.

[The Reporter underſtands that the opinions of all the Counſel, to whom the caſe had been referred (the Attorney and Solicitor General excepted) have ſince been received, and will of courſe be read at the next General Court held at the India Houſe. It would be equally indecent and irregular in him, to advert to the purport of them reſpectively, in the *interim*.]

F I N I S.

In the SECOND VOLUME

OF

WOODFALL's PARLIAMENTARY REPORTS

for the laſt SESSION,

Publiſhed by T. CHAPMAN, No. 151, FLEET-STREET,

IS GIVEN

A full and impartial detail of the ſeveral important Diſcuſſions that took place in the HOUSE of LORDS, on the various Charges contained in the Articles of Impeachment of

WARREN HASTINGS, ESQ.

Compared with the Evidence, written and parole, adduced in Weſtminſter-Hall, with the Queſtions ſettled and agreed to be put to each Peer, previous to his pronouncing his opinion of *Guilty* or *Not Guilty*, upon Thurſday the 23d day of *April*, when Judgment was given, and the Priſoner was ACQUITTED.

Together with a particular ſtatement of the Mode and Order of the PEERS reſpectively giving their Verdict on each diſtinct Charge, in Weſtminſter-Hall.

TO WHICH IS ADDED

The REPORT of the COMMITTEE of the HOUSE of LORDS, appointed to ſearch for Precedents in Caſes of Impeachment.

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